Placer County
Environmental Coordination Services
Community Development Resource Agency
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Auburn, CA 95603
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December 20, 2015

Subject: Martis Valley West Parcel Specific Plan draft Environmental Impact Report

Dear Ms. Wydra:

The Friends of the West Shore (FOWS) and the Tahoe Area Sierra Club (TASC) appreciate the opportunity to provide comments regarding the Martis Valley West Specific Plan (MVWPSP) draft Environmental Impact Report (DEIR).

The FOWS and TASC believe the DEIR fails to disclose or fully evaluate the potential environmental impacts of the proposed MVWPSP in the Lake Tahoe Basin (Basin). While the project area may not be located in the Basin,[1] the boundary between the MVWPSP and the Basin is indistinguishable with respect to GHG emissions, scenic degradation, light pollution, trespass and glare, and traffic, including significant project-created congestion and vehicle miles traveled. The DEIR fails to adequately address several in-Basin impacts, including but not limited to:

- Potential impacts to national scenic resources (daytime and nighttime) as observed from numerous locations around the Lake Tahoe Basin, including on the lake, from scenic highways, recreational trails and facilities, and popular mountaintop and ridgeline vistas;
- The additional traffic that may impact North Lake Tahoe and the entire Basin;
- The potential disruption of a primary emergency evacuation route for North Lake Tahoe (SR 267);
- The project's potential conflict with California's SB 375, which directs development to infill areas instead of creating urban sprawl, in order to reduce greenhouse gas emissions; and
- The cumulative impacts of the proposed Project in addition to other nearby projects, including the proposed Brockway Campground.

In our detailed comments below, we have also provided several recommendations and requests regarding alternatives, mitigation measures, and impacts to be evaluated. Due to the substantial deficiencies in the DEIR, we respectfully request these problems be addressed and the DEIR recirculated as required by CEQA. We would be happy to meet with you to discuss our concerns. Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net or Laurel Ames at amesl@sbcglobal.net if you have any questions.

Sincerely,

Susan Gearhart,
President
Friends of the West Shore

Laurel Ames,
Conservation Chair
Tahoe Area Sierra Club

Jennifer Quashnick,
Conservation Consultant

[1] Notably, the boundary line has been the subject of several proposals, including a requested boundary line amendment in February 2015.

1. Recirculation of DEIR

CEQA requires the recirculation of a DEIR as follows:

> **15088.5. RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION**
> (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:
> (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
> (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
> (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
> (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

As noted in our comments below, numerous impacts have not been sufficiently evaluated to provide for meaningful public review and comment. For example, the analyses related to GHGs, traffic impacts, and scenic impacts are substantially flawed and available information indicates the DEIR significantly underestimates those impacts (for example, traffic impacts alone may be five times greater than disclosed in the DEIR, as discussed below). Feasible alternatives (including the relocation of development from the ridgeline) and mitigation measures (i.e. limiting densities to mitigate traffic impacts) have not been considered. In addition, as discussed in more detail below, the MVWPSP EIR will serve as the primary environmental review for the development in this area. Future projects need only conform to the MVWPSP to undergo minimal permitting without public notice and review.

Per the requirements of CEQA, these deficiencies must be corrected and the DEIR recirculated so the public is provided a meaningful opportunity to comment on the project analysis.

2. Overall problems with DEIR:

A. Project Description:

The DEIR's project description is not detailed enough to provide the public with the ability to evaluate the project, nor can the EIR sufficiently examine the project's impacts without sufficient detail. Instead, the DEIR evaluates a 'conceptual plan' of the proposed project, leaving the specific project details "flexible" regarding the location of the future single- and multi-family homes and commercial development[2] (in essence, the entirety of the 760 units and commercial development are not designated by the Specific Plan). Future projects will be evaluated based on whether they conform to the Specific Plan,[3] and according to the Governor's Office of Planning and Research (OPR), need not undergo additional CEQA review if they are consistent with the Specific Plan.[4] Therefore, this EIR is likely to be the only environmental review that will be done for projects in the area. If impacts are not examined now, and mitigation not assessed for those impacts, there is no plan that the missing assessments will be undertaken for public review before they are revised and/or constructed.

Therefore, the project description needs to be clearly defined and impacts carefully examined. As our comments note, there are significant inadequacies with the DEIR that must be corrected, many of which rely upon a more detailed project description (e.g. scenic and transportation impacts) to meet CEQA.

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[2] "The Specific Plan provides flexibility regarding the location of single-family, multifamily and commercial development within the Residential zone…" (DEIR, p. 3-13).

[3] "After adoption of the MVWPSP, certification of the EIR, amendment of the MVCP land use diagram, and rezone of the East and West Parcels, a large lot tentative map approval (no development rights) would occur for the purpose of financing and sale; however, the large lot tentative map (no development rights) would convey no development entitlements to the resulting parcels. The intent of this EIR, if certified, is to serve as the base environmental document for subsequent entitlement approvals within the West Parcel. The determination of whether a requested subsequent development entitlement is consistent with the MVWPSP, and whether this EIR considered the project-specific effects, would be made by the County through the MVWPSP conformity review process to determine consistency with the adopted MVWPSP, CEQA, and other regulatory documents and guidelines. In acting to approve a subsequent project or permit, the County may impose reasonable and necessary conditions to ensure that the project is in compliance with the MVWPSP and all applicable plans, ordinances, and regulations. (Refer to Section 8.3 of the MVWPSP for additional details regarding the procedural steps of implementing the Specific Plan.) (DEIR, p. 3-7 & 3-8)." [Emphasis added].

[4] "Section 65457 provides that once the EIR has been certified and the specific plan adopted, any residential development project, including any subdivision or zone change, that is undertaken to implement and is consistent with the specific plan is exempt from additional CEQA review. This exemption does not apply if after the adoption of the specific plan, any of the events which would trigger preparation of a subsequent or supplemental EIR occur, including substantial changes in the project or circumstances under which the project is being undertaken requiring major revisions in the project, or new information becomes available which was not known at the time the EIR was certified. However, if a supplemental EIR is prepared covering the changes, new circumstances, or new information and is certified, the exemption will apply to the projects which then follow the specific plan." (OPR, p. 24).

B. Deferred analysis and mitigation:

The DEIR defers several impact analyses and mitigation measures to the future (for example, see specific comments on GHGs and water supply). This is not allowed by CEQA.[5] Additionally, for impacts not fully examined in the DEIR or where mitigation is deferred to a future date, there is no process that commits Placer County to examine impacts in the future. Impacts of the proposed project must be fully analyzed and disclosed in the DEIR.

The numerous technical inadequacies noted throughout these comments must be addressed and a draft EIR recirculated to provide the public with the opportunity to view and address the estimated impacts of the proposed project. Alternatively, we would request Placer County require public notice of all future projects based upon the MVWPSP, and that all such projects be subject to CEQA analysis in the future.

C. Proposed Project is not consistent with the General Plan:

According to the OPR, specific plans must be consistent with General Plans: *"Section 65454. Consistency with the General Plan. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan. (Added by Stats. 1984, Ch. 1009)."* (OPR, p. 43[6]). However, the applicable Placer County General Plan,[7] as well as the Martis Valley Community Plan,[8] designate the West Parcel as a "forest" zone district.[9] Therefore, the proposed MVWPSP is not consistent with the existing Placer County General Plan. This was acknowledged in the Initial Study under Question X.b.:

> "Will the Project:…Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?" (Initial Study, p. 29).

[5] "…as shown in the decision of *Stanislaus Natural Heritage Project, Sierra Club v. County of Stanislaus* (1996) 48 Cal.App.4th 182, analysis of significant effects may not be deferred to later developments under the specific plan, nor to later tiered EIRs. The Stanislaus court found that a specific plan EIR failed to discuss the impact of providing a long-term water supply for the project, and thus the county could not make an informed decision regarding the environmental consequences of the project. The court concluded that the county could not defer the analysis of crucial impacts to later environmental documents that would be prepared as the specific plan was implemented." (p. 23; The Planner's Guide to Specific Plans, by the Governor's Office of Planning and Research [OPR]. January 2001 Edition. http://opr.ca.gov/docs/specific_plans.pdf

[6] http://opr.ca.gov/docs/specific_plans.pdf

[7] Initial Study Checklist, p. 1; http://www.placer.ca.gov/~/media/cdr/ecs/eir/martisvalleywestparcel/deiroct2015/apdx_a_mvwpsp_nop-is.pdf?la=en

[8] http://www.placer.ca.gov/~/media/cdr/planning/commplans/martisvalley/adopted_landuse.pdf?la=en

[9] See Figure 4.2-2: http://www.placer.ca.gov/~/media/cdr/planning/west-parcel-specific-plan/martisvalleyeirs/04-environmental-settingpg1-286.pdf?la=en

The Initial Study, as well as both the 2014 and 2015 NOPs,[10] stated that the EIR would address consistency with applicable land use plans. The DEIR's land use significance criteria include "*substantial alternation of the present or planned land use of an area*" and "*conflict with any Placer County General Plan or MVCP designations, zoning, or policies adopted for the purpose of avoiding or mitigating an environmental effect.*"[11] However, after lengthy discussion of the proposed agreement to rezone the East and West Parcels, the DEIR seemingly sidesteps the criteria by referring to the "intent" of the plans:

> "Therefore, the MVWPSP would be consistent with the intent of the MVCP and Placer County General Plan and would not result in substantial alteration of the planned land uses in the Martis Valley identified in the MVCP. This impact would be less than significant." (DEIR, p. 5-19).

However, the proposed project would place development on the West Parcel, which is not consistent with the Placer County General Plan or MVCP.

This clear impact needs to be properly disclosed, as instructed by the OPR's Guidance for Specific Plans.[12]

In addition, we note the 1994 Placer County GP and the 2003 MVCPs did not allow development on the West Parcel; in those plans, the approved land use is "Forest."[13] As a result, any proposed and future development under the MVWPSP that is not consistent with the forest zoning of the approved PCGP and MVCP must be analyzed in the MVWPSP EIR and included in the MVWP Specific Plan.

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[10] "The EIR will discuss the project's consistency with relevant planning documents, including the Martis Valley Community Plan, Placer County General Plan, Placer County Zoning Ordinance, and the Truckee Tahoe Airport Land Use Compatibility Plan." (2015 NOP, p. 16; also noted on p. 15 in the 2014 NOP).

[11] Based on the Placer County CEQA Checklist and Appendix G of the State CEQA Guidelines, the proposed project would result in a potentially significant impact on land use or forest resources if it would:
Land Use
- result in a substantial alteration of the present or planned land use of an area;
- result in the development of incompatible uses and/or the creation of land use conflicts;
- conflict with any Placer County General Plan or MVCP designations, zoning, or policies adopted for the purpose of avoiding or mitigating an environmental effect;
- physically divide an established community;
- conflict with any applicable habitat conservation or natural community conservation plan; or
- cause economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration. (DEIR, p. 5-14).

[12] "The land use distributions and locations contained in the specific plan should be consistent with those of the general plan. For example, if a general plan designates an area for residential and neighborhood commercial uses, the specific plan for the same area should not have provisions for industrial uses. This would be inconsistent with the general plan. Because a specific plan is intended to systematically implement the general plan, its diagram does not supersede that of the general plan. Rather, it details and fosters the general plan's development policies." (OPR, p. 29-30). http://opr.ca.gov/docs/specific_plans.pdf

[13] "The West Parcel is undeveloped coniferous forest that is designated Forest in the Martis Valley Community Plan (MVCP) and is zoned Timberland Production Zone (TPZ)." DEIR, p. 3-1).

D. Analysis of existing conditions:

As noted throughout our comments, the DEIR frequently compares impacts to a hypothetical full buildout of existing Plans (e.g. Martis Valley Community Plan)[14] and an unrealistic future scenario (e.g. GHG emissions). Whether the project meets existing land use and Scoping Plan requirements or not is distinctively different than CEQA's requirements to analyze and disclose the potential environmental impacts based on *existing physical conditions*. In this sense, comparisons to the 'allowable uses' on the East Parcel are irrelevant.

The EIR needs to examine the project's impacts compared to existing conditions.

3. Significance of impacts to the Lake Tahoe Basin

Lake Tahoe is a recognized National Treasure.[15] It is also a federally-designated Outstanding National Resource Water,[16] named for its transparency and other factors that contribute to the spectacular center-piece it provides to the whole Lake Tahoe Basin. In addition, the Congressionally-mandated TRPA Bi-State Compact highlights the importance of the national scenic significance of the basin.[17] In short, the Tahoe Basin is nationally significant, and impacts to the natural resources of the Basin are therefore significant. However, the DEIR fails to separately analyze project impacts to the Tahoe Basin versus impacts to Martis Valley. The 1994 Placer County General Plan and 2003 Martis Valley Community Plan address environmental protection measures with a lighter hand as they are not subject to the unique and additional protections provided for by the TRPA Bi-state Compact (see below). Impacts to the iconic Lake Tahoe Basin, which as reflected by the status of a majority of TRPA's environmental threshold carrying capacities[18] have neared, if not already exceeded, the Tahoe Basin's carrying capacity. That taxpayers of this country have spent more than $1.7 billion to protect the lake and its natural resources[19] is a clear indication of the nation's interest in the spectacular scenic wonder that the Tahoe Basin provides.

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[14] E.g. "Further, the reduction in the number of allowable units in the Martis Valley, from the 1,360 dwelling units allowed in the MVCP to the 760 units proposed in the MVWPSP (a reduction of 600 units), would represent a reduction in the maximum anticipated population by approximately 1,500 persons." (p. 6-13).

[15] http://www.dri.edu/news/2194-preserving-lake-tahoe-a-national-treasure

[16] http://www.epa.gov/region9/water/watershed/tahoe/

[17] For example: "(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural public health values provided by the Lake Tahoe Basin. (7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region. (8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government." (Article I(a)). [Emphasis added] http://www.trpa.org/wp-content/uploads/Bistate_Compact.pdf

[18] http://www.trpa.org/regional-plan/threshold-evaluation/

[19] "(15) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,740,000,000 to the Lake Tahoe Basin;" from: https://www.congress.gov/bill/114th-congress/senate-bill/1724/text?q={%22search%22%3A[%22\%22s1724\%22%22]}&resultIndex=1

It is important that the EIR separately analyze and disclose the project's impacts to the environmental resources that reflect Lake Tahoe's nationally recognized values. Specific examples are noted throughout these comments.

4. Holding Capacity and Population Growth

The DEIR concludes that the impacts of the project related to inducing substantial population growth are less than significant because the proposed population increase would be within the holding capacity of Martis Valley.[20] However, the *holding* capacity is different from the environmental *carrying* capacity. Holding capacity is determined by multiplying the allowed number of units per acre per land type by the acres of each land type.[21] It's simple math. However, the carrying capacity is based on the maximum capacity for the environment to handle a population before irreversible environmental consequences occur.[22]

Tracing the origins of the original 'holding capacity' has been difficult. First, as noted above, the MVWPSP DEIR concludes less-than-significant impacts on growth because the population increase is within the anticipated growth for Martis Valley. An examination of the 2002 MVCP EIR shows that the DEIR, at that time, concluded less-than-significant impacts because the growth was already anticipated by the 1994 Placer County General Plan,[23] and the holding capacity had been 'reduced' because some lands had been developed below the maximum permitted density.[24] An examination of the EIR for the 1994 Placer County General Plan reveals the EIR also concluded less-than-

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[20] "The anticipated population at buildout of the MVWPSP, based on 760 proposed units and 2.5 persons per unit, would be 1,900 persons, which would be within the holding capacity (i.e., maximum growth anticipated) of Martis Valley (21,500± persons) and consistent with the vision identified in the MVCP. This impact would be less than significant." (MVWP SP DEIR, p. 6-10).

[21] "Holding capacity is expressed as the total number of people that would be accommodated within a planning area if the land within that area were developed to the maximum potential allowed by land use designations in the general plan. Once potential buildout and dwelling units (D.U.) are projected, potential population can be determined." (MVCP DEIR, p. 4.2-2).

[22] "In ecology, the number of living things that can exist for long periods in a given area without damaging the environment." "carrying-capacity". *The American Heritage® New Dictionary of Cultural Literacy, Third Edition*. Houghton Mifflin Company, 2005. 24 Nov. 2015. <http://dictionary.reference.com/browse/carrying-capacity>.

[23] "Although the proposed project would result in population growth in the area, the Plan area is designated for such growth as a Community Plan area in the General Plan. Therefore, impacts relating to population growth are considered less than significant." (MVCP DEIR, p. 4.2-16);

"The transportation impact analysis focused on 2010 travel demands and needs. Travel forecasts were also made for 2040 conditions so that transportation corridors that would be needed beyond 2010 under the *General Plan* could be identified (these corridors are shown on the Circulation Diagram as "post-2010" roadways). This long-horizon evaluation is, by its nature, a less precise analysis of future travel conditions than the 2010 analysis. Its purpose is to give a general indication of the magnitude of travel demand and needs under the *General Plan* when Placer County is closer to its population holding capacity." (Placer County Countywide General Plan FEIR, p. 4-11).

[24] "The Plan area's holding capacity is the product of the permitted densities specified in the land use districts, and the acreage within each district. The County has adjusted this figure to reflect actual densities in those areas that are already fully developed. For those areas that are not fully developed, the County has reduced the theoretical maximum holding capacity by 20%. This reduction reflects the fact that due to market or environmental or other constraints, property rarely develops at the maximum theoretical density afforded by the applicable land use designation. In this fashion, the County calculated that the MVCP has a holding capacity of approximately 8,600 dwelling units." (MVCP, p. 30).

significant impacts on population growth because the prescribed growth was within the anticipated holding capacity for Martis Valley per the 1975 General Plan.[25] In essence, it appears that there has been no carrying capacity analysis for at least forty years, if one was even performed then. Regardless, CEQA requires the significance of the environmental consequences of a project be evaluated against *existing* conditions. The DEIR and project applicant rely on the project being 'within the capacity' of the MVCP to minimize several resource impacts (e.g. traffic[26] and population growth[27]) and/or relies on the claim that this is a reduction in units compared to what zoning would allow on the East Parcel.[28]

The EIR needs to be revised to appropriately analyze the impacts and determine significance of this project compared to existing conditions.

Also, the impacts are minimized by looking at the situation from a broad, regional, 'county-wide' perspective.[29] In order to understand the localized implications of the project, impacts within the plan's boundaries must also be analyzed. Environmental impacts from this project will not occur in Auburn or other distant portions of Placer County, but rather, may have significant localized impacts (e.g. local population increase, traffic impacts, air quality, etc.). Evaluating the population in terms of county-wide changes appears to be no more than a means to minimize the local impacts. For example, according to the Martis Valley Community Plan, the existing full time population of the region in 2010 was just 1,185.[30] As the DEIR states, the maximum potential growth rate

[25] As described in the 2002 MVCP DEIR, it appears the 1975 General Plan assigned holding capacity based on certain physical parameters (e.g. slope, access), but this approach again suggests a "density per acre" assignment, rather than a true carrying capacity in terms of population and traffic: "The plan, adopted in 1975, used a set of physical constraints to identify lands with development potential within Martis Valley; these constraints included slopes in excess of 30 percent, slopes with low stability, areas difficult to access, and areas of ecological value, including important wildlife habitats and open space area (Placer County, 1975)." (MVCP DEIR, p. 4.1-7).

[26] At the 11/19/2015 Placer County Planning Commission, applicant Blake Riva stated the project would result in a "35% reduction" in traffic; however, this is 'compared to' the maximum density allowed by the current MVCP on the East Parcel, not to existing conditions.

[27] "The anticipated population at buildout of the MVWPSP, based on 760 proposed units and 2.5 persons per unit, would be 1,900 persons, which would be within the holding capacity (i.e., maximum growth anticipated) of Martis Valley (21,500± persons) and consistent with the vision identified in the MVCP. This impact would be less than significant." (DEIR, p. 6-10).

[28] "The East Parcel is approximately 6,376 acres, 670 acres of which are zoned for residential and commercial development under the Martis Valley Community Plan. The proposed project would shift 760 units and 6.6 acres of commercial from the allowed development of 1,360 units and 6.6 acres of commercial on the East Parcel to the West Parcel. The project would permanently retire 600 allowed units." (2015 NOP, p. 1).

[29] "Because the MVWPSP is anticipated to have approximately 20 percent permanent residents and approximately 80 percent transient/seasonal visitors, the permanent population would be approximately 380 persons, which would represent 0.1 percent of the County's 2013 population, 2.4 percent of the Truckee 2013 population, and 2 percent of the North Tahoe 2013 population. In comparison to the County's estimated 2040 population, 380 permanent residents represent only approximately 0.08 percent of the County population. The proposed MVWPSP would be well within planned population increases in Placer County and the Martis Valley." (DEIR, p. 6-10).

[30] "The Martis Valley Community Plan (MVCP) stated that, based on the 2000 census data, the permanent population in the Placer County MVCP area was approximately 1,185." (DEIR, p. 6-2).

from the project could increase the population in the Martis Valley region by 1,900 – almost doubling the existing residential population in the plan area.[31]

As noted elsewhere, unless Placer County limits the full time population to 20% of the new units, the EIR must address the maximum potential impacts from the project. CEQA also requires impacts to be measured compared to existing environmental conditions. Therefore, the EIR must consider the impact of increasing the population to areas within the MVWPSP boundaries. The impacts from the project are not comparable throughout the entire Placer County area and must be analyzed at the appropriate scale. Further, additional protections apply to the Lake Tahoe Basin and therefore impacts must be carefully analyzed and evaluated based on Basin-specific significance criteria.

5. Transportation:

There are numerous problems with the transportation analysis which need to be corrected in a revised DEIR and recirculated.

A. Occupancy rate

The EIR's analysis must be based on the maximum development potential allowed by the plan. However, the DEIR is also inconsistent in its approach. The DEIR evaluates the maximum potential impacts – that is, assuming 100% full time occupancy – for natural gas and electricity,[32] light pollution,[33] water supply,[34] GHGs (for non-mobile sources),[35] and wastewater treatment services,[36] yet the traffic impacts are based only on 20% full-time occupancy.[37]

The use of the 20% occupancy rate for transportation impacts represents one of the most significant flaws in the DEIR analysis, affecting the DEIR's evaluation of numerous impacts, including transportation, air quality, water quality, GHGs, impacts to emergency services and evacuations, and other effects. Table 10-11 (inserted below) includes the Project Trip Generation calculations.

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[31] "Based on the proposed MVWPSP maximum unit count of 760 and 2.5 persons per unit, the buildout population of the project would be 1,900 people." (DEIR, p. 6-8).
[32] "Energy (natural gas and electricity) emissions are based on Estimates for Gas and Electric Utilities Usage for the MVWP Project (see Chapter 16, "Utilities," which conservatively assume full-time occupancy of all units." (DEIR, p. 12-13).
[33] "The nighttime photo simulations represented a worst-case scenario that assumed illumination in all windows in all buildings" (DEIR, p. 9-30)
[34] "The Water Supply Assessment prepared for the MVWPSP estimates that buildout of the West Parcel could result in a water demand of 325 acre feet per year (afy) (see Table 15-1), assuming 100 percent occupancy of the 760 proposed units (Stantec 2015)." (DEIR, p. 15-21)
[35] "The analysis provided herein is considered conservative because it is based on the assumption that the 760 residential units would be occupied full-time…" (DEIR, p. 12-10).
[36] "However, these are conservative estimates because they assume 100 percent occupancy of the development…" (DEIR, p. 16-24).
[37] E.g. "Mobile source GHG emissions are derived from the traffic analysis, which assumes that 20 percent of the units are permanent, year-round occupants and the remaining 80 percent are seasonally occupied." (DEIR, p. 12-13).

Table 10-11 Project Trip Generation

Land Use	ITE Land Use (Code)	Size[1]	Trip Rates						%Internal Capture[2]	External Trips					
			Daily	p.m.	% p.m. In/Out	Sunday Daily	Sunday Peak	% Sunday Peak In/Out		Daily	p.m.	p.m. In/Out	Sunday Daily	Sunday Peak	Sunday Peak In/Out
Residential Trips															
Single Family Homes															
Full-Time (20%)	Single Family Housing (210)	100 du	9.52	1.00	63%/37%	8.62	0.86	53%/47%	10%	857	90	57/33	776	77	41/36
Part-Time (80%)	Recreational Homes (260)	400 du	3.61	0.26	41%/59%	2.93	0.36	46%/54%	0%	1,444	104	43/61	1,172	144	66/78
Townhomes															
Full-Time (20%)	Townhome (230)	40 du	5.81	0.52	67%/33%	4.84	0.45	49%/51%	10%	209	19	13/6	174	16	8/8
Part-Time (80%)	Recreational Homes (260)	160 du	3.61	0.26	41%/59%	2.93	0.36	46%/54%	0%	578	42	17/25	469	58	26/31
Cabins															
Part-Time (100%)	Recreational Homes (260)	60 du	3.61	0.26	41%/59%	2.93	0.36	46%/54%	0%	217	16	6/9	176	22	10/12
Total Residential Trips										3,305	271	136/134	2,767	317	151/165
Commercial & Amenities Trips															
Commercial & Amenities	Shopping Center (820)	34.5 ksf	*	*	48%/52%	25.24	3.12	49%/51%	80%	680	59	28/31	174	22	11/11
Total Commercial & Amenities Trips										680	59	28/31	174	22	11/11
Total External Project Trips										3,985	330	164/165	2,941	339	162/176

Notes: * Trip Generation Equations - Daily: $L_n(T) = 0.65Ln(X)+5.83$; p.m. Peak Hour: $L_n(T) = 0.67L_n(X)+3.31$

[1] du = dwelling units, ksf = 1,000 square feet

[2] The ITE trip generation rate for Recreational Homes (260) considers internal trips within the recreational homes community; therefore, no further reduction for internal trips is necessary.

Sources: Modeling performed by Fehr & Peers in 2015

The DEIR erroneously states the analysis examines the "highest possible traffic impacts."[38] However, the table assumes 20% full- and 80% part-time occupancy. Notably the latter generates fewer trips per unit;[39] thus a higher makeup of part-time residential units will translate into fewer trips from the project when compared to full time occupancy of the units. This assumption is inappropriate and skews the entire analysis. Further, it does not meet CEQA's requirements to fully analyze the potential impacts of the project. Unless Placer County is going to require no more than 20% of the homes be occupied full-time, the EIR needs to analyze the impacts from the *maximum* occupancy that could occur as a result of the project. Further, even if some homes are not full-time residences, all homes may be occupied during peak periods (which includes most summertime weekends and Holidays) – a fact noted about the region elsewhere in the document.[40] Notably, this is when transportation impacts are at their greatest, and when the threats from wildfire (which may necessitate evacuation) are also most prominent.

[38] "By basing the traffic study on the unit mix with the highest aggregate trip generation rates, the analysis has focused on the project's highest possible traffic impacts." (DEIR, p. 10-20).

[39] "To accurately estimate traffic generated by the proposed residential units, the portion of homes assumed to be second homes was analyzed using the Recreational Homes (ITE Code 260) trip generation rates [3.61 daily trips], while the portion of homes that would be occupied full-time were analyzed using their corresponding trip generation rates (i.e., Single Family Housing – 210 [9.52 daily trips], Residential Condo/Townhouse – 230 [5.81 daily trips])." (p. 10-21).

[40] "U.S. Census data indicate that the total number of housing units in the Town of Truckee increased by approximately 151 units from 12,803 in 2010 to 12,954 in 2013. Truckee has a high proportion of second units and vacation homes whose residents are not counted among the Town's total population in the Census. In 2010, approximately 49.5 percent of units were occupied, while approximately 50.5 percent were vacant housing units (U.S. Census Bureau 2010 Census). <u>During peak tourism periods in the summer and winter, the Town's population can effectively double on a temporary basis</u>." (p. 6-6). [Emphasis added].

In fact, the EIR for the Martis Valley Community Plan analyzed the *maximum* occupancy scenario (Table 4.2-11 below; MVCP DEIR, p. 4.2-16), although the EIR stated that full-time occupancy would be less:[41]

TABLE 4.2-11
OCCUPIED DWELLING UNITS AND POPULATION BY LAND USE DIAGRAM

Occupancy Rate	Proposed Land Use Diagram		Existing MVGP Land Use Map		Alternative 1 Land Use Map		Alternative 2 Land Use Map	
	Occupied Units	Population	Occupied Units	Population	Occupied Units	Population	Occupied Units	Population
100.0%	9,220	24,249	11,688	30,739	10,311	27,118	7,956	20,924
52.8%	4,868	12,803	6,171	16,230	5,444	14,318	4,201	11,049
39.8%	3,670	9,652	4,652	12,235	4,104	10,794	3,166	8,327
28.8%	2,655	6,983	3,366	8,853	2,970	7,811	2,291	6,025
20.0%	1,844	4,850	2,338	6,149	2,620	6,891	1,591	4,184

A simple multiplication bringing the 20% full-time occupancy to 100% would result in the following estimated trips from the MVWPSP:

External Trips - Revised Assumptions & Comparison			
	Individual Counts		Difference (underestimate)
	DEIR: 20% FT / 80% PT[a]	100 % FT[b]	Traffic with 100% FT Occupancy *minus* Traffic in DEIR (20/80% split)
Single Family Homes			
Daily	2298	4285	1987
p.m.	194	450	256
p.m. In/Out	100/94	285/165	185/71
Sunday Daily	1948	3880	1932
Sunday Peak	221	385	164
Sunday Peak In/Out	107/114	205/180	98/66
Townhomes			
Daily	787	1045	258
p.m.	61	95	34
p.m. In/Out	30/31	65/30	35/-1
Sunday Daily	643	870	227
Sunday Peak	74	80	6
Sunday Peak In/Out	34/39	40/40	6/1

a Table 10-11, DEIR p. 10-23. FT = Full-time Occupancy; PT = Part-time Occupancy
b Estimates for 20% FT are multiplied by 5 to represent 100% at FT.
c Provided to give idea of the importance of the underestimate in the DEIR.

[41] "Projected permanent occupancy for the project would be less than anticipated in the Placer County General Plan, ranging from 43.7 to 64.2 percent of the General Plan holding capacity for Martis Valley." (MVCP DEIR, p. 4.2-16).

The DEIR's selective evaluation of variable occupancy rates not only represents inconsistency in the analysis, but also results in a significant underestimate of the potential traffic impacts.

B. <u>Underestimated impacts of "cabins:"</u>

The DEIR's traffic analysis assumes 100% of the "cabins" will be occupied only part-time, and that there will be fewer trips per unit from the proposed cabins compared to the single family homes.[42] However, it is unclear what the physical and land use differences are between the single family homes and the cabins. The draft MVWPSP does not include separate standards for the cabins,[43] however, the coverage limits for the cabins are actually higher,[44] suggesting larger units that may accommodate at least the same number of people if not more compared to a single family home. As the proposed MVWPSP does not suggest regulating the use of cabins, there is nothing to suggest that those staying in the cabins on a peak summer weekend (or any time) will not exhibit the same behavior – including driving – as those in the single family homes. Notably, the cabins may comprise up to 200 units[45] – over 1/4th of the new units. The DEIR's underestimate of the impacts of the cabins results in a potentially significant number of uncounted trips and VMT.

These inconsistencies appear to result in the EIR avoiding full consideration and disclosure of the true extent of the transportation impacts of the project. As a result, additional mitigation measures that may be necessary to mitigate transportation and related GHG emissions are not considered as required by CEQA.[46]

In order to analyze and disclose the full potential impacts of the project to all affected resources, including transportation systems and GHGs, emissions from 100% full-time occupancy (from all sources) in all units, including cabins,[47] must be analyzed and included in a revised DEIR.

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[42] Estimated daily project trip generation: Cabins generate 3.61 trips/day versus 9.52 trips for full-time single-family housing (DEIR, p. 10-23).

[43] http://www.placer.ca.gov/~/media/cdr/planning/west-parcel-specific-plan/oct2015publicdraftsp/k%20-%20appendix%20b%20-%2010-16-15.pdf?la=en

[44] Table 5-2 Estimated Maximum Ground Disturbance : Single Family Residential: 40%; Multifamily/residential cabins: 50% (DEIR, p. 5-15)

[45] "…the number of cabins may range from 40 to 200 units;" (DEIR, p. 3-13).

[46] Additionally, an EIR must identify feasible mitigation measures to mitigate significant environmental impacts. CEQA Guidelines §15126.4. Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. . . ." Pub. Res. Code § 21002.

[47] Unless the MVWPSP will regulate the use of cabins such that it will be different than the use of homes or condos, and the size/accommodation potential for cabins will be the same or greater, it makes little sense to separate these. Cabins should simply be evaluated as single- or multi-family homes, depending on what they will be constructed as (which is currently not delineated).

C. **Insufficient Project Study Area**

Notably, previous environmental analyses in the same area recognized that impacts from projects and plans would affect the larger region. For example, the EIR for the Town of Truckee General Plan[48] analyzed the transportation impacts to the entire "resort triangle," as noted in the figure below.

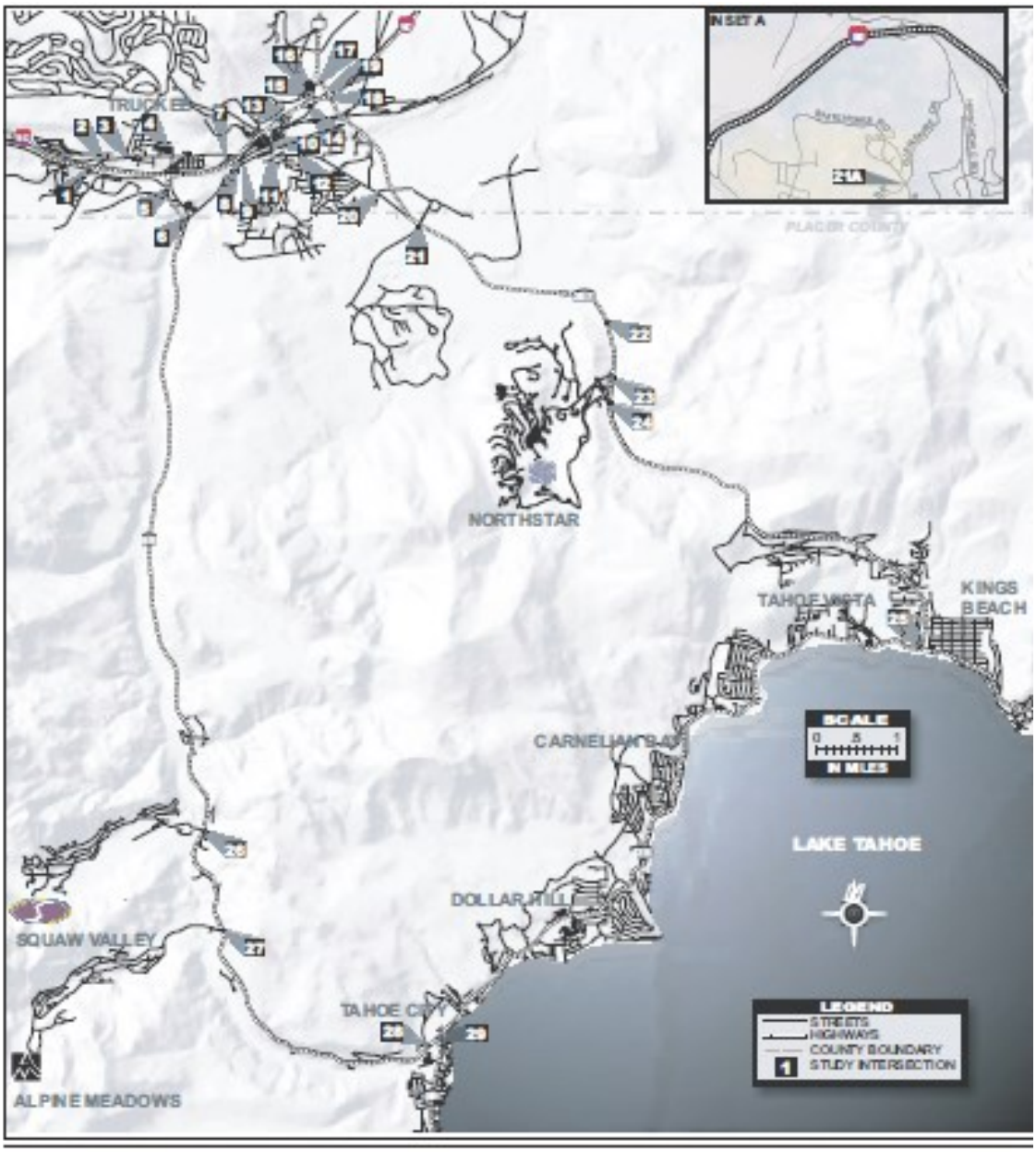

FIGURE 4.12-2

STUDY INTERSECTIONS

TOWN OF TRUCKEE
2025 GENERAL PLAN EIR

[48] Town of Truckee 2025 General Plan. Draft Environmental Impact Report. Figure 4.12-2. http://www.townoftruckee.com/home/showdocument?id=1271

Although the source of the assumptions and methods used to estimate the VMT listed in Appendix K (p. 9-10) are not provided, the tables do include estimates for trips to Tahoe City, Emerald Bay, and South Lake Tahoe. However, the transportation analysis limits its assessment of in-Basin impacts to LOS on SR 267 and at the SR 267/28 intersection in Kings Beach (see Chapter 10).

The EIR must examine the full regional impacts of the proposed project. The project study area must, at a minimum, include the entire resort triangle.

D. **VMT generated beyond Kings Beach:**

According to a recent NLTRA survey, 47% of visitors to the region state that they visit Emerald Bay.[49] The DEIR currently states that just 5% of the 1,395 visits to the Basin will drive to Emerald Bay.[50] The DEIR includes no discussion regarding where this assumption came from, however the NLTRA survey suggests the number of visits to Emerald Bay may be higher than 5%. Although some of the homes will be second homes with the same homeowners staying in them, some are also likely to be rented out as vacation rentals (this is not prohibited by the MVWPSP). While regular visitors are not apt to drive to Emerald Bay each weekend or summer, if homes are rented to different visitors, the NLTRA survey suggests almost half of them are likely to visit Emerald Bay (let alone drive around Lake Tahoe). Unless Placer County intends to limit vacation rentals, the EIR needs to assess the potential traffic impacts to the Lake Tahoe Basin associated with increased visitors in the MVWPSP area.

Accordingly, as the NLTRA findings indicate 47% of the visitors to the area spend time at Emerald Bay, the EIR must assess the impacts from 47% of the visitors to the MVWPSP area driving on SR 28 and SR 89 to Emerald Bay. In addition, the EIR must evaluate how many visitors may also drive around Lake Tahoe. In-Basin impacts to LOS and VMT must be adequately examined.

The significance conclusions for all of these impacts are based on a flawed traffic analysis. As noted previously, the EIR cannot rely on a 20% full-time occupancy rate unless Placer County will limit the new homes to this occupancy rate. As a result, the potential impacts of the project must be examined and disclosed assuming 100% occupancy, as was done in Placer County's 2002 EIR for the MVCP. It is of concern that the project is currently estimated to generate significant and unavoidable impacts to current and cumulative roadway and intersection operations, including within the Lake Tahoe Basin. However, even worse, these impacts may reflect only 1/5th of the potential impacts from this project, increasing the magnitude of the already significant and unavoidable impacts.

[49] "The most popular attraction was Emerald Bay, with 47 percent of survey respondents indicating spending time during their visit there." North Lake Tahoe Resort Associate Visitor Research, p. 6. http://nltra.org/documents/pdfs/RRC%20Summary%20NLTRA%20Summer%202014.pdf

[50] To develop the total number of trips into the Basin, the total daily trips identified as going east and west on SR 28 in Appendix K's analysis of in-Basin trips (p. 9-10) were added together.

The EIR for the Town of Truckee's 2025 General Plan (adopted in 2006) identified the cumulative impacts to include the entire "Resort Triangle." In other words, the impacts to State Routes 89, 28, and 267 were assessed.[51] As noted in Truckee's EIR, developments in the Truckee/Martis Valley area will clearly have an impact to multiple intersections and roadways in the Tahoe Basin.

The MVWSP needs to incorporate and analyze these same Lake Tahoe Basin areas in the DEIR.

E. Failure to analyze regional VMT generated by project

The transportation analysis also fails to include any analysis and significance determination related to regional VMT impacts. California's Office of Planning and Research has recommended using VMT as a metric for CEQA analyses in all projects.[52]

The project's VMT impacts to all roadways should be examined and disclosed (Tahoe-specific VMT needs are discussed below).

F. Regional Traffic implications for Lake Tahoe:

Lake Tahoe is a federally-designated Outstanding National Resource Water (ONRW).[53] The Lake Tahoe Bistate Compact (cited previously) recognizes Tahoe's unique beauty, and the importance of protecting its fragile environmental resources. Placer County's policies also include the requirement to consider the regional implications of proposed projects:

> Consider the regional implications of development in the Martis Valley on resources outside of the Valley (i.e., Truckee River, Lake Tahoe Basin, Carson Range, and Sierra Nevada). (Policy 1.A.7).

The proposed project will be located approximately four miles from Kings Beach and Tahoe Vista (DEIR, p. 3-2). There is no doubt that visitors and residents of the new project will drive into the Lake Tahoe Basin, not only to visit the Lake (and often, drive around it), but also because the closest grocery store and other personal needs stores are located in Kings Beach. Although Truckee has these types of stores, Truckee is over six miles away from the proposed project.

FOWS and TASC comments on the 2015 NOP stated that the DEIR/S must sufficiently analyze the increased traffic, including trips, VMT, and congestion, in the Lake Tahoe Basin as a result of this project. According to TRPA Code Section 65.4.2, the traffic analysis shall include:

1. Trip generation rates of the proposed project;

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[51] "The traffic study area includes the Town of Truckee, its proposed Sphere of Influence, and an area south of Truckee encompassing Martis Valley, Alpine Meadows and Squaw Valley ski resorts, and the entire area between SR 267 and SR 89 South." (Truckee 2015 GP DEIR, p. 4.12-1).

[52] SB 743 CEQA Guidelines Transportation Metric Update. August 2014. http://opr.ca.gov/docs/SB_743_CEQA_Guidelines_Update_Local_Government_Roundtable_8_18_14.pdf; Current information on proposal is available at: http://opr.ca.gov/s_sb743.php

[53] http://www.epa.gov/region9/water/watershed/tahoe/

2. Impacts of the proposed project on the level of service at any impact intersections;
3. Impacts of the proposed project on regional vehicle miles traveled (VMT);
4. Impacts of the proposed project on regional and subregional air quality;
5. Ingress and egress characteristics of the proposed project, and their impacts on traffic flow adjacent to the project area;
6. Measures necessary to mitigate all traffic and air quality impacts to a level consistent with the environmental thresholds, the Goals and Policies, the Regional Transportation Plan, and the 1992 Air Quality Plan; and
7. Additional information that TRPA may require.

However, with regards to transportation the DEIR fails to examine the LOS impacts to all affected intersections (e.g. including Tahoe City) [#2 above; see our comments on project area], impacts to regional VMT (although the GHG analysis estimates this for the Tahoe Basin, it is unclear where the data come from and the transportation section does not address VMT impacts) [#3 above], and mitigation measures necessary to be consistent with TRPA's Regional Plan and threshold standards [#6 above].

G. TRPA VMT threshold standard:[54]

As the DEIR acknowledges,[55] there are TRPA standards for peak hour traffic and VMT for the entire Basin. Oddly, the transportation analysis does not address the significance of VMT, nor evaluate the potential VMT in the Basin. We question why Placer County did not include this analysis, especially when it was addressed as a potential impact in Placer County's 2013 Northstar Mountain Master Plan (NMMP) Amendment EIR.[56] Interestingly, we did locate estimates of in-Basin VMT in the GHG technical appendix (App. K, p. 9-10). These estimates reveal significant increases in in-Basin VMT: 31,117 summertime daily VMT and 27,469 wintertime VMT (miles within the Basin[57] were added up as indicated by the red boxes below and then doubled because the estimates in the table represent only one way of each trip).

[54] http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch3_Air-Quality_Oct2012_Final.pdf
[55] "TRPA maintains several environmental threshold carrying capacities pertaining to traffic, including peak-hour delays at intersections, daily traffic on certain key roadways, and vehicle miles travelled (VMT) for the entire basin. The TRPA standards for signalized intersections include operation at LOS D or better, or LOS E or LOS F for no more than 4 hours per day." (DEIR, p. 10-18).
[56] See "IMPACT 9.3: Increase Vehicle Miles Traveled in the Tahoe Basin" (NMMP DEIR, p. 9-40). http://www.placer.ca.gov/~/media/cdr/ecs/eir/northstarmmp/northstardeir9-traffic.pdf?la=en
[57] Totals include Trips West and East on SR 28 with destinations in Kings Beach, Carnelian Bay, Tahoe City, Emerald Bay, Incline Village, and South Lake Tahoe.

Summer VMT

Local Trips

Total Number of Daily Local Trips: 3828 (Summer)

Tahoe Basin Summer VMT (one way): 15,558.5

Trip Origin/Destination	Daily Trips	Trip Length	Initial VMT	Daily Trips	Destination Beyond	Trip Length Beyond	Percentage of Trips to Destinations Beyond	VMT to Destinations Beyond	Total Daily VMT
	814	7.2	5860.8	814	Truckee Shopping	2.5	80%	1628.0	
West on I-80				814	Tahoe Donner	5	10%	407.0	
				814	Donner Lake	7	10%	569.8	
	424	7.2	3052.8	424	Old Greenwood	2.5	10%	106.0	
East on I-80				424	Boca/Stampede	10	20%	848.0	
				424	Reno	35	70%	10388.0	
	359	7.2	2584.8	359	Truckee	1	60%	215.4	
North of SR 267				359	Truckee	2	40%	287.2	
	677	5.7	3858.9	677	Downtown Truckee	2	40%	541.6	
West on Brockway Road				677	Truckee	3	60%	1218.6	
	40	5.1	204.0	40	Schaffer's Mill	1.7	33%	22.4	
West of Schaffer Mill Road				40	Lahontan	2.6	33%	34.3	
				40	Martis Camp	3.1	34%	42.2	
East on Truckee Tahoe Airport Road	40	5.4	216.0	40	NA	0	0%	0.0	
West on Northstar Road	40	3.1	124.0	40	NA	0	0%	0.0	
West on Highlands View Road	40	1.3	52.0	40	Sawmill Heights	0.2	10%	0.8	
				40	Ritz Carlton	2.8	90%	100.8	
	598	4.5	2691.0	598	Kings Beach	0	65%	0.0	
West on SR 28				598	Carnelian Bay	3.5	10%	209.3	
				598	Tahoe City	9	20%	1076.4	
				598	Emerald Bay	27.5	5%	822.3	
	797	4.5	3586.5	797	Kings Beach	0	50%	0.0	
East on SR 28				797	Incline Village	6	25%	1195.5	
				797	South Lake Tahoe	30	25%	5977.5	
Internal Trips	2838	1	2838.0						
			25068.8					25691.1	50759.9
									7.6

Primary Trips

Total Number of Daily Local Trips: 157 (Summer)

Trip Origin/Destination	Trip Distribution	Trip Length	Initial VMT	Trip Distribution	Destination Beyond	Trip Length Beyond	Percentage of Trips to Destinations Beyond	VMT to Destinations Beyond	Total Daily VMT
	103	7.2	741.6	103	Sacramento	100	30%	3090.0	
West on I-80				103	Bay Area	200	65%	13390.0	
				103	Southern California	500	5%	2575.0	
East on I-80	54	7.2	388.8	54	Reno	35	100%	1890.0	
			1130.4					20945.0	22075.4
									140.6
								Total VMT	72,835
									10.7
								Biannual VMT	13,292,437

Winter and Annual VMT

Local Trips

Total Number of Daily Local Trips: 3828 (Winter)

Tahoe Basin Winter VMT (one way): 13,734.5

Trip Origin/Destination	Daily Trips	Trip Length	Initial VMT	Daily Trips	Destination Beyond	Trip Length Beyond	Percentage of Trips to Destinations Beyond	VMT to Destinations Beyond	Total Daily VMT
	895	7.2	6444.0	895	Truckee Shopping	2.5	80%	1790.0	
West on I-80				895	Tahoe Donner	5	10%	447.5	
				895	Donner Lake	7	10%	626.5	
	502	7.2	3614.4	502	Old Greenwood	2.5	10%	125.5	
East on I-80				502	Boca/Stampede	10	5%	251.0	
				502	Reno	35	85%	14934.5	
	279	7.2	2008.8	279	Truckee	1	60%	167.4	
North of SR 267				279	Truckee	2	40%	223.2	
	558	5.7	3180.6	558	Downtown Truckee	2	40%	446.4	
West on Brockway Road				558	Truckee	3	60%	1004.4	
	40	5.1	204.0	40	Schaffer's Mill	1.7	33%	22.4	
West of Schaffer Mill Road				40	Lahontan	2.6	33%	34.3	
				40	Martis Camp	3.1	34%	42.2	
East on Truckee Tahoe Airport Road	40	5.4	216.0	40	NA	0	0%	0.0	
West on Northstar Road	279	3.1	864.9	279	NA	0	0%	0.0	
West on Highlands View Road	40	1.3	52.0	40	Sawmill Heights	0.2	10%	0.8	
				40	Ritz Carlton	2.8	90%	100.8	
	438	4.5	1971.0	438	Kings Beach	0	65%	0.0	
West on SR 28				438	Carnelian Bay	3.5	10%	153.3	
				438	Tahoe City	9	20%	788.4	
				438	Emerald Bay	27.5	5%	602.3	
	757	4.5	3406.5	757	Kings Beach	0	50%	0.0	
East on SR 28				757	Incline Village	6	25%	1135.5	
				757	South Lake Tahoe	30	25%	5677.5	
Internal Trips	2838	1	2838.0						
			24800.2					28573.9	53374.1
									8.0

Primary Trips

Total Number of Daily Local Trips: 157 (Winter)

Trip Origin/Destination	Trip Distribution	Trip Length	Initial VMT	Trip Distribution	Destination Beyond	Trip Length Beyond	Percentage of Trips to Destinations Beyond	VMT to Destinations Beyond	Total Daily VMT
	101	7.2	727.2	101	Sacramento	100	30%	3030.0	
West on I-80				101	Bay Area	200	65%	13130.0	
				101	Southern California	500	5%	2525.0	
East on I-80	56	7.2	403.2	56	Reno	35	100%	1960.0	
			1130.4					20645.0	21775.4
									138.7
								Total Daily VMT	75,149
									11.0
								Biannual VMT	13,714,778
								Total Annual VMT	27,007,215

We therefore focus our comments regarding the transportation and GHG impacts on the VMT estimates presented in Appendix K.

The VMT estimates are based on the 20% and 80% occupancy rates (and 100% part-time occupancy of "cabins"); as a result, potential additional in-Basin VMT is underestimated by roughly five times or more. As noted in our comments on this subject, the MVWPSP would not limit occupancy to 20% full-time residences. Therefore, through a rough approximation of VMT based on the EIR's estimates for full-time resident trips, the project could generate five times more traffic in the Lake Tahoe Basin than disclosed in the DEIR – an additional 155,585 new VMT on a peak summer day based on the estimates in Appendix K.[58] Per TRPA's most recent Threshold Evaluation Report in 2011 (TER),[59] the basin was just 1.5% below the threshold standard (which equates to 30,958 VMT). Estimates involving the 20/80% occupancy split indicate the project could cause TRPA's threshold to be exceeded by adding 31,117 VMT to the Basin on a peak summer day. This is already a significant impact. However, 100% full occupancy could mean an additional 155,585 VMT or more in the Basin on a peak summer day - an even more significant impact.

To put this in perspective, the project could generate *over five times* the amount of VMT it would take to violate TRPA's VMT threshold. The 2011 TER also notes that the average decrease in daily VMT as of 2011 was 13,711 VMT/peak day/year.[60] This project could *add* VMT back into the Basin equal to almost twelve years' worth of decreases.

In addition, these estimates do not take into account the cumulative increases resulting from other approved but not-yet-built projects (e.g. Boulder Bay), proposed projects (i.e. Squaw Valley Village expansion), proposed Plans (such as Placer County's Tahoe Basin Area Plan), and the general increase in travel in the area[61] resulting from recovery from the economic recession and other factors.

The EIR must analyze the potential VMT impacts to the Tahoe Basin. Notably, homes that are not occupied full-time are likely to be occupied by renters, vacationers, or second-homeowners during peak times. The impacts of the greatest possible occupancy must be assessed in order to evaluate the potential impacts of the project.

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[58] The total VMT, round trip, for summer local trips, as listed in App. K., was multiplied by five to estimate the VMT associated with a 100% full-time occupancy rather than 20% full time occupancy. We understand this is a rough generalization.

[59] "Adopted Standards – TRPA: Reduce vehicle miles traveled in the Basin by 10% of the 1981 base year values (equivalent to 2,067,600 VMT)…Status – The most recent vehicle miles traveled estimate (2011) was 2,036,642 VMT per day or about 1.5% better than the standard, resulting in an "at or somewhat better than target" status determination. The Tahoe Region has been in compliance with this standard since 2007." (2011 TER, p. 3-49 & -50).

[60] "Trend – The estimated long-term (1981-2011) trend shows a decrease in daily VMT in the Tahoe Basin, at rate of -13,711 VMT/peak day/year (or -0.66%/year) relative to the standard ($P<0.01$), resulting in a trend determination of "moderate improvement." (2011 TER, p. 3-53).

[61] http://www.tahoedailytribune.com/news/18735420-113/opinion-its-been-a-very-good-year-for

Although it may be appropriate to consider the peak Friday traffic impacts to the LOS for affected roadway segments and intersections, the VMT impacts to TRPA's Air Quality threshold standard for VMT must reflect the time period called for by the standard. As noted in the most recent Threshold Evaluation Report (2011 TER), VMT is an estimated number based on the peak daily traffic volumes from the 2nd weekend of August.[62]

The EIR needs to clearly analyze and disclose the VMT impacts in light of TRPA's VMT threshold standard and indicator.

H. <u>Wintertime peak LOS impacts:</u>

Given the project's proximity to Northstar Mountain Resort, impacts to peak traffic volumes during the winter months should be carefully examined. The DEIR has selected the 30th highest peak hour[63] for examining the wintertime impacts on LOS. This is inappropriate for examining the project's wintertime transportation impacts. Although roadway capacity should not be expanded based on peak congestion, the DEIR must still evaluate and disclose the project's impacts.

The recirculated EIR needs to examine the impacts of the MVWSP on peak hour congestion. In addition, the LOS standards applicable in the Lake Tahoe Basin[64] are based on peak congestion, not the 30th highest peak.

The summer peak-hour intersection movement counts were taken during 2013,[65] when traffic was still lower after the Great Recession. As we've seen in 2015 (and noted in the previously cited TRPA column), traffic in our region is back on the rise (and numerous approved but not-yet-built projects will add even more traffic in future years), and 2013 counts may no longer represent existing conditions. In order to assess the cumulative impacts of the project on LOS, the 2013 traffic counts in the region need to be compared to historical counts in order to ensure a representation of the traffic that could be supported by existing infrastructure.

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[62] "VMT presented here is an estimated number based on peak daily traffic volumes from the 2nd weekend of August each year. Traffic volume data are collected daily at 20 monitoring stations in the Tahoe Basin by California Department of Transportation (Caltrans) and Nevada Department of Transportation. Peak traffic volumes were multiplied by a VMT constant (4.77) that represents average number of trips per person per day, average trip length, and average vehicle occupancy to provide an estimate of daily VMT." (2011 TER, p. 3-50).

[63] For winter conditions, the 30th highest peak hour of the ski season was analyzed. The 30th highest hour is often cited in transportation literature (such as *A Policy on Geometric Design of Highways and Street*, 4th Edition, American Association of State Highway and Transportation Officials 2001) and is used to establish the "design hourly volume." It is meant to represent a busy, but not absolute peak period of travel. The 30th highest peak hour was calculated by applying a numerical factor to the actual counts that were taken for the project on March 9, 2014 (see below under "Winter"). (DEIR, p. 10-4).

[64] http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch3_Air-Quality_Oct2012_Final.pdf

[65] "Summer peak-hour intersection turning movement counts were conducted at the study intersections on Friday, August 23, 2013 from 2:00 p.m. to 6:00 p.m. Friday p.m. peak-hour counts were conducted because this is the peak travel period during the summer season. Existing data show that the Friday peak hour for the study intersections is generally from 4:00 p.m. to 5:00 p.m." (DEIR, p. 10-4).

As noted for the summertime analysis, the winter peak hour conditions taken on one day in March 2014[66] also need to be compared to historical counts to ensure they adequately represent peak traffic conditions. This is especially important as the drought left relatively poor ski conditions at Tahoe area resorts beginning in 2012, and visitation has been down.[67]

The EIR must compare the 2013 counts to 2015 counts, as well as historical traffic counts, in order to evaluate the cumulative plus project conditions, which must account for the extent of traffic that can be supported by the existing infrastructure in our region.

I. Cumulative Transportation Impacts:

The cumulative transportation impacts were estimated based on the Truckee and TRPA TransCAD models.[68] However, it is unclear whether either model took into account the potential impacts of expansions at Squaw Valley. Additionally, neither model included estimates for the proposed Brockway Campground.

The EIR needs to revise the cumulative transportation analysis to address the impacts of all known potential projects in the region, including but not limited to the Brockway Campground, which is proposed immediately adjacent to the MVWPSP and will thus generate traffic impacts to similar areas.

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[66] "Winter peak-hour intersection turning movement counts were conducted at the study intersections on Sunday, March 9, 2014 from 3:00 p.m. to 6:00 p.m. Sunday p.m. peak-hour counts were conducted because this is generally the peak travel period during the winter season, especially adjacent to ski resorts. Existing data show that the Sunday peak hour varied by intersection but most consistently fell between 3:45 p.m. and 4:45 p.m." (DEIR, p. 10-4).

[67] "However, those numbers, Katz said, are "partially offset" by a 16.4 percent decline in Tahoe-area visits due to "the impact of challenging conditions in Tahoe throughout the season," considering four consecutive poor winters aided by the Western drought." http://www.sierrasun.com/news/18509483-113/vail-resorts-revenue-tops-11-billion-despite-low

[68] "According to the Truckee TransCAD traffic model documentation, build-out of the Town of Truckee General Plan is conservatively assumed to occur by 2025, with minimal development expected thereafter. Therefore, the cumulative no project traffic volumes presented herein conservatively represents year 2034 conditions.

The TransCAD future model was used to determine the volume and distribution of traffic generated by the project. The resulting daily and peak-hour turning movement project trips were then subtracted from the year 2034 traffic forecasts produced by the model to represent year 2034 No Project conditions. Other minimal adjustments were made to the traffic forecasts to balance traffic volumes between intersections. The resulting 2034 summer peak-hour turning movement volumes without the proposed project are shown in Exhibit 10-7.

Future year 2034 winter peak-hour traffic volumes at the SR267 intersections at Schaffer Mill Road/Truckee Airport Road intersection, Northstar Drive, and Highlands View Road were developed by LSC Transportation Consultants as part of the Northstar Mountain Master Plan project. Year 2034 winter traffic volumes at the SR 267/SR 28 intersection were estimated by applying a growth rate to the existing winter volumes, based on the traffic growth predicted by the TRPA TransCAD model for each leg of the intersection. The resulting 2034 winter peak-hour traffic volumes without the project are shown in Exhibit 10-8." (DEIR, p. 10-37).

J. Adequacy of transportation impact fees:

During the 11/19/2015 Planning Commission meeting, Commissioners expressed concern that the proposed transportation impact fee (around $3.7 million) wouldn't really "put a dent" in the work that would be needed on SR 267, as well as the traffic that would be generated by the project. If there is no feasible mitigation plan and/or the plan is not enforceable by Placer County (as is the case here where Caltrans would be the deciding/implementing agency), paying mitigation fees is not sufficient mitigation for the project.

The EIR must clearly examine and disclose the project's impacts, and identify how, and to what extent, mitigation measures will mitigate those impacts.

6. Regionally Significant Project:

As noted in our comments on the NOP (which as documented elsewhere, FOWS comments were clearly not addressed by Placer County), the NOP failed, and the DEIR now fails, to note the proposed project as Regionally Significant. As required by CEQA (§15206(b)), a proposed project must be identified as having statewide, regional, or areawide significance if the project meets any of the following criteria:

> "(2)(A): A proposed residential development of more than 500;…
> (4)(A): A project for which an EIR and not a Negative Declaration was prepared which would be located in and would substantially impact the following areas of critical environmental sensitivity:…The Lake Tahoe Basin."

However, the NOP and the subsequent DEIR fail to designate this project as Regionally significant, nor discuss consultation with all transportation agencies affected by the project. § 21092.4.[69] Transportation planning agencies within the Tahoe Basin, including the Tahoe Metropolitan Planning Organization (TMPO), TRPA, and the Tahoe Transportation District (TTD), must be consulted for this project, as the project will clearly generate traffic within the Tahoe Basin (notably demonstrated in both the transportation and the GHG analyses in the DEIR).

As requested in our NOP comments, the EIR must note the project as Regionally Significant and include the assessment of impacts throughout the entire Lake Tahoe Basin (e.g. including additional visitor and residential traffic in Kings Beach, Tahoe

[69] (a) For a project of statewide, regional, or areawide significance, the lead agency shall consult with transportation planning agencies and public agencies that have transportation facilities within their jurisdictions that could be affected by the project. Consultation shall be conducted in the same manner as for responsible agencies pursuant to this division, and shall be for the purpose of the lead agency obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, overpasses, on-ramps, off-ramps, and rail transit service within the jurisdiction of a transportation planning agency or a public agency that is consulted by the lead agency. A transportation planning agency or public agency that provides information to the lead agency shall be notified of, and provided with copies of, environmental documents pertaining to the project.
(b) As used in this section, "transportation facilities" includes major local arterials and public transit within five miles of the project site and freeways, highways, overpasses, on-ramps, off-ramps, and rail transit service within 10 miles of the project site.

City, along the West Shore, at Emerald Bay, and around the Lake) as well as documentation of consultation with Lake Tahoe Basin transportation agencies.

7. Need to consider additional traffic mitigation:

The DEIR concludes impacts to multiple roadway segments and intersections (see Chapter 10), many of which cannot be mitigated to less than significant for several reasons.

- The applicant will pay traffic impact fees[70] that could be used to fund CIP projects (e.g. widening SR 267 to four lanes from Truckee to Brockway Summit and several intersection improvements[71]), however, because it will be up to Caltrans, and not Placer County, to implement these improvements, they cannot be guaranteed;[72]
- The project "itself" cannot fund the transportation improvements and it is unlikely that the lanes could be widened before the MVWPSP project is implemented; [73] and
- Widening SR 267 within the Lake Tahoe Basin is not a viable option.[74]

However, there are additional mitigation measures which can and should be included in the EIR:

- As was included in Placer County's EIR for the 2003 MVCP,[75] mitigation could include the reduction in land use quantities in the MVWPSP. This would reduce both LOS and VMT impacts to transportation on a regional and local scale.

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[70] "The current total combined estimated [impact] fee for the entire project is $3,685,511.42 ($4,846 per single family residential unit)." (DEIR, p. 2-39).

[71] "The Placer County CIP, discussed above, identifies the following intersection and roadway improvements needed in Placer County, including:
- Widening SR 267 to 4 lanes from the Town of Truckee line to Brockway Summit
- Intersection improvements at SR 267/Schaffer Mill Road/Truckee Airport Road
- Intersection improvements at SR 267/Northstar Drive
- Intersection improvements at SR 267/SR 28

The Town of Truckee Traffic Impact Fee Program (TIF) identifies the following intersection and roadway improvements needed in the Town of Truckee, including:
- SR 267/I-80 Westbound Ramps – Construct 2-lane roundabout
- SR 267/I-80 Eastbound Ramps – Construct 2-lane roundabout
- SR 267/Brockway Road – Construct roundabout or equivalent improvement
- SR 267 from Brockway Road to the Town of Truckee/Placer County line – Widen to 4 lanes" (DEIR, p. 10-37).

[72] "Although these improvements are included in the Placer County CIP and the Town of Truckee TIF, they are owned and operated by Caltrans. There is no assurance Caltrans will make these improvements within the 2034 horizon year; therefore, the cumulative conditions analysis assumes that SR 267 remains in its 2-lane rural highway condition." (DEIR, p. 10-39).

[73] "The mitigation measure would ensure that the project pays its fair share fee to the Placer Countywide Traffic Fee Program. Although the project would pay traffic fees for applicable CIP projects, including future widening of SR 267 to four lanes between Brockway Road and Brockway Summit, it is not feasible for the project itself to fund the SR 267 widening, and it is unlikely that the improvement would be constructed before the project is implemented. (DEIR, p. 10-32).

[74] In addition, there is no feasible mitigation to improve the adversely affected roadway segment from the Project Access Roadway to SR 28. Therefore, the project's impact on roadway segments would remain significant and unavoidable." (DEIR, p. 10-32).

[75] "**MM 4.4.1b** Reduce Land Use Quantities in Martis Valley Community Plan Area. (Optional)." (MVCP DEIR, p. 8.0-4).

- As recommended by Mountain Area Preservation Foundation during the 11/19 Placer County Planning Commissioner hearing, the project could be designed so that project access is only from Highlands Drive, thereby avoiding the additional intersection on SR 267. This will help with LOS impacts to SR 267 as well as potentially reduce the VMT impacts to the Lake Tahoe Basin (as drivers may opt to drive to Truckee for basic amenities such as groceries rather than Kings Beach).

The EIR must evaluate and consider all feasible mitigation options. As represented by its inclusion in the 2002 MVCP DEIR, a reduction in land use quantities was considered a feasible option by Placer County. The EIR should also investigate an alternative access design that would avoid the placement of a new intersection along SR 267.

8. Impacts to Transit

A. Impacts not fully disclosed:

The DEIR notes that the project will add transit ridership and may result in potentially significant impacts,[76] but then dismisses these impacts through vague mitigation measures.[77,78] The DEIR does not examine *what* these impacts may be.

Alternately, under any of the Alternatives, the land uses allowed under each land use Alternative could be reduced to eliminate the need to widen roadways, particularly SR 267, Northstar Drive, and Schaffer Mill Road…Under the Proposed Land Use Diagram, the list of roadways which have volumes that exceed LOS standards are shown in **Table 4.4-26**, as well as the reduction in land uses needed to maintain LOS standards. The reduction in ADT (or PM peak-hour one-way trips in the Town of Truckee) that would be required to avoid the need to widen particular roadways to four lanes is also shown in the table. These tables are meant for programmatic planning purposes only. Please note that the location of any trip reductions have a relatively minor impact on whether the traffic volumes would be reduced to adequate levels. For SR 267, the reduction shown indicates the reduction needed in traffic generation for the overall Martis Valley area. For Northstar Drive, the reduction required refers to the total traffic generation of Northstar developments. Finally, the reduction needed for Schaffer Mill Road refers to the reduction needed in traffic generation associated with land uses that are proposed to gain access on Schaffer Mill Road (Lahontan, Siller Ranch, Eaglewood, and Hopkins Ranch). (MVCP DEIR, p. 4.4-58)

[76] "The proposed project is anticipated to cause existing capacity to be exceeded because the site is located south of Northstar, and additional transit ridership from the project would be added to the peak direction. Therefore, this impact would be potentially significant." (DEIR, p. 10-33).

[77] "Mitigation Measure 10-5a: Payment of annual transit fees
Prior to recordation of the initial Large Lot or Small Lot Final Map, the applicant shall establish a new Zone of Benefit (ZOB) within an existing County Service Area (CSA) or annex into a pre-existing ZOB to provide adequate funding of capital and ongoing operational transit services/requirements. The applicant shall submit to the County for review and approval a complete and adequate engineer's report supporting the level of assessments necessary for the establishment of the ZOB. The report shall be prepared by a registered engineer in consultation with a qualified financial consultant and shall establish the basis for the special benefit appurtenant to the project.
Mitigation Measure 10-5b: Join and maintain membership in the Truckee-North Tahoe Transportation Management Association
Prior to Improvement Plan approval and/or recordation of the Final Map, the commercial and homeowner associations shall join and maintain membership (at a rate based on the engineering report, per Mitigation Measure 10-5a) in perpetuity in the Truckee-North Tahoe Transportation Management Association (TNT/TMA), whose established purpose is to improve the general traffic and transportation conditions in the Truckee/North Tahoe area, and to address situations associated with traffic congestion and transportation systems.
Significance after Mitigation

As the DEIR currently stands, it anticipates that the project will create some level of undisclosed increased demand for transit services, and then speculates that a bus shelter and two proposed mitigation measures will mitigate the (undetermined) impacts on transit. CEQA does not allow for speculation to replace analysis.[79]

The EIR needs to assess the potential increase in ridership and the effects of the additional transit stop on existing systems. The evaluation should include an assessment of ridership with and without a bus shelter, the number of people expected to use transit from the MVWPSP, the parking demand for getting to the bus shelter, any park and ride facilities, and an assessment of how adding the additional stop to existing transit services will impact transit time and use.

B. <u>New Transit Stop and Bus Shelter:</u>

The DEIR states that "The proposed project would enhance existing transit service on SR 267 with construction of a new bus shelter within the MVWPSP near SR 267." (DEIR, p. 10-33). However, it is unclear how adding a new bus shelter enhances "existing" transit service. Currently, there are no homes or recreational attractions that require existing transit service to stop where the future bus shelter would be. Therefore, it is not correct to claim enhancement of "existing services" where no existing services exist. In fact, the addition of a new bus stop is likely to degrade existing transit services.

The EIR must assess the impacts of adding a new stop on existing transit systems.

Mitigation measures 10-5a (Payment of Annual Transit Fees) and 10-5b (Join and Maintain Membership in the TNT/TMA) would determine with specificity the project's fair-share annual contribution to ongoing operational transit services and improvements, and would require ongoing participation by the project's commercial and homeowner associations in TNT/TMA to address and improve transit and transportation conditions into the future. These measures would offset the project demand for additional transit services, thereby reducing the impact on transit to a less-than-significant level." (DEIR, p. 10-33)

[78] "Cumulative Impact 10-12: Cumulative impacts to transit: As noted in the Existing Plus Project Impact 10-5, the proposed project would enhance transit with the construction of a bus shelter onsite near SR 267. Because the project would result in only one additional stop, any increase in the travel time of the transit route would be modest. Future transit ridership capacity would be dictated by the peak transit demand occurring in the winter season on the TART SR 267 route between Truckee and Crystal Bay. Any additional transit demand generated by the project could add to the cumulative need for additional winter peak-hour transit capacity. Implementation of Mitigation Measure 10-5a (Payment of Annual Transit Fees) and Mitigation Measure 10-5b (Join and Maintain Membership in the TNT/TMA) would contribute to the increase in transit service to meet future transit demand. Therefore, the MVWPSP project's contribution to the cumulative transit impact would not be cumulatively considerable…No mitigation is required." (DEIR, p. 10-45 & -46)

[79] "CEQA documents also must explicitly identify each impact the agency has determined to be significant (*Id.* at § 15126.2, subd. (a)). These significance determinations must be "based on substantial evidence in the record" (*Id.* at § 15064, subd. (f))." www.opr.ca.gov/docs/NEPA_**CEQA**_Handbook_Feb2014.pdf.
"(1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.
(2) <u>Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous</u>, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment." (§ 21080 (e)) [Emphasis added]

C. Contributions to transit systems:

The DEIR proposes two mitigation measures which it claims will mitigate transit impacts to less-than-significant:

> Mitigation measures 10-5a (Payment of Annual Transit Fees) and 10-5b (Join and Maintain Membership in the TNT/TMA) would determine with specificity the project's fair-share annual contribution to ongoing operational transit services and improvements, and would require ongoing participation by the project's commercial and homeowner associations in TNT/TMA to address and improve transit and transportation conditions into the future. These measures would offset the project demand for additional transit services, thereby reducing the impact on transit to a less-than-significant level. (DEIR, p. 10-33).

First, the DEIR does not estimate the actual impact to transit systems in the first place, therefore it is impossible to determine whether they can be mitigated to less than significant. Second, the DEIR provides no information showing how the payment of annual transit fees will result in mitigation. Simply paying a fee does not meet the CEQA requirement to show how that fee will result in mitigation.[80] Third, the DEIR provides no information explaining how membership in the TNT/TMA will result in improved transit and transportation conditions which will specifically mitigate the project's impacts.

The EIR must clearly examine and disclose the project's impacts, and identify how, and to what extent, mitigation measures will mitigate those impacts.

D. Fair Share of Transit Costs:

At a recent "Tahoe Talks" Presentation regarding public transit issues in the region,[81] Sandy Evans-Hall, the Executive Director of the North Lake Tahoe Resort Association (NLTRA), presented information regarding current transit networks in the region, with most emphasis on "the Resort Triangle" – Truckee to Northstar to North Lake Tahoe to Squaw Valley. According to Ms. Evans-Hall the current combined transit resources from Placer County and the Town of Truckee total roughly $4.5 million/year. This is based on hourly headways and only seasonal service from Northstar to Truckee. When the NLTRA put together information to reflect a more ideal transit system (which would improve ridership), a transit expert estimated the cost to be $18 million, which is beyond available funding. The NLTRA and others are currently working to implement improvements, including half-hour headways and regular service from Northstar to Truckee, to improve ridership. As the cost of implementing transit systems increases, so should the fair share burden on development.

The EIR should clearly analyze how residents and guests of the new MVWPSP project area will contribute their fair share toward transit. Existing Tahoe Basin and Martis Valley residents should not bear any additional burden of funding transit in order to support the new development.

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[80] http://www.sierrawatch.org/wp-content/uploads/2015-SMW-Letter-to-M-Krach-re-Village-at-Squaw-Specific-Plan-DEIR-07-16-2015.pdf; p. 51-52

[81] http://www.sierrasun.com/news/environment/19250599-113/lake-tahoe-truckee-transit-future-full-of-hope-big

E. Funding shortfalls for transit:

During the presentation, George Fink with the Tahoe Transportation District (TTD) explained that federal and state funding sources for transit are likely to continue to shrink. As a result, it will be up to residents to find solutions for how to fund transit. Jaime Wright of the TMA stated that of North Lake Tahoe's existing visitors, 50-60% are day drivers that are not staying overnight within the Tahoe Basin (notably, MVWPSP homeowners and guests are most likely to be 'day drivers' in the Tahoe Basin as well). Day drivers to the Basin are not paying Tourist-Occupancy-Taxes (TOT), which is one source of funds for Placer County transit programs. For decades, agencies have struggled with how to fund adequate transit in light of the millions of visitors to the region versus the full-time residential population.

Because MVWPSP residents and visitors will contribute to the 'day traffic' in the Lake Tahoe Basin, the EIR needs to clearly analyze how these visitors will contribute their fair share toward funding transit in North Lake Tahoe. In addition, transit funding should be based on the cost of the upgraded transit system (which improves ridership), rather than the existing system.

9. Consistency with Regional Land Use Plans:

CEQA requires an EIR to examine project impacts from both a local and regional perspective. CEQA further requires that: "*Special emphasis should also be placed on environmental resources that are rare or unique to that region and would be affected by the project:"*

15125. ENVIRONMENTAL SETTING
(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.
(b) When preparing an EIR for a plan for the reuse of a military base, lead agencies should refer to the special application of the principle of baseline conditions for determining significant impacts contained in Section 15229.
(c) Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.
(d) The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the Coastal Zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains.

The DEIR fails to adequately assess and disclose all project-related impacts to the Lake Tahoe Basin, which not only qualifies as a "rare or unique" environmental resource,[82] but is also specifically listed in CEQA among areas where the EIR "*shall discuss any inconsistencies between the proposed project and applicable general plans…and regional land use plans for the protection of the…Lake Tahoe Basin.*" (§15125 (d)). As a result, the DEIR fails to meet CEQA requirements. The DEIR also includes no analysis of the impacts from increased use of in-Basin recreational areas and facilities by MVWPSP residents.

The proposed Project is also inconsistent with TRPA's Regional Transportation Plan and Regional Plan Update (RTP/RPU). The RTP/RPU cumulative impact analysis did not include the MVWPSP.[83]

The recirculated EIR needs to fully analyze and disclose all impacts to TRPA threshold standards, and federal, state, and local standards applicable within the Lake Tahoe Basin, including but not limited to transportation (including LOS and VMT increases on in-Basin highways and arterial roadways), air quality (e.g. pollutant emissions within the Lake Tahoe Air Basin), and recreation (e.g. impacts and conflicts that will result from additional visits to recreation areas within the Lake Tahoe Basin in relation to recreational capacity and user experience of these areas). Project-related and cumulative impacts need to be addressed.

10. Impacts to Emergency Vehicles on 267

The MVWPSP will generate "significant and unavoidable" transportation impacts (i.e. more congestion) to SR 267, including the segment from Brockway Summit to the SR 267/SR 28 intersection in Kings Beach.[84] The DEIR also notes that even if SR 267 were to be widened, it would not likely occur before construction of the MVWPSP project began. This will create additional delays for emergency vehicles on SR 267. Although the DEIR discusses demand for emergency services from within the project, and the Emergency Vehicle Access Roads for the project,[85] the DEIR includes no discussion of

[82] See TRPA Bistate Compact. http://www.trpa.org/wp-content/uploads/Bistate_Compact.pdf.
For example, Article I (A)(3) states: "a) It is found and declared that:…(3) The region exhibits unique environmental and ecological values which are irreplaceable."

[83] List of cumulative projects included in the RTP DEIR, p. 4-2 to 4-8.
http://tahoempo.org/rtp_draft/1_Regional_Transportation_Plan_EIS/04_Cumulative_RTP.pdf

[84] "The mitigation measure would ensure that the project pays its fair share fee to the Placer Countywide Traffic Fee Program. Although the project would pay traffic fees for applicable CIP projects, including future widening of SR 267 to four lanes between Brockway Road and Brockway Summit, it is not feasible for the project itself to fund the SR 267 widening, and it is unlikely that the improvement would be constructed before the project is implemented. In addition, there is no feasible mitigation to improve the adversely affected roadway segment from the Project Access Roadway to SR 28. Therefore, the project's impact on roadway segments would remain significant and unavoidable." (DEIR, p. 10-32).

[85] "Access to the interior of the West Parcel development area would be provided via a two-lane roadway from SR 267. Internal streets would also have two lanes. An emergency vehicle access (EVA) road would be provided by connection to SR 267 at Brockway Summit. The EVA would be a paved two-lane road that would be accessible year-round. The EVA would provide access for emergency vehicles only, unless needed to evacuate residents. Fibreboard Freeway, a paved two-lane road is located south of the West Parcel boundary and connects to SR 267. An existing unimproved dirt road from the West Parcel that

the impacts the additional traffic delays will have on emergency vehicles driving on SR 267. This will affect those in need of medical assistance by delaying the arrival of the vehicles and/or transport time. In addition, this will interfere with emergency evacuations, which may involve residents and visitors to North Lake Tahoe, those within the MVWPSP project area and Northstar, and guests at the proposed Brockway Campground. Such a situation would already be a problem as North Lake Tahoe roadways were heavily congested in 2015 and are anticipated to get worse from growth in Northern California and Nevada.[86] The major congestion experienced in 2015 also notably occurred during the summer months when wildfire is a significant threat to the area.

The EIR needs to assess and clearly disclose the individual and cumulative impacts traffic congestion will have on delaying/interfering with emergency access and evacuations on SR 267.

11. Water Supply:

The DEIR states the project will have adequate water supply served through two options: one, the existing NCSD system could be expanded and used for the project,[87] and/or two, the proponents may drill more groundwater wells.[88] In both cases, the DEIR relies on a water supply assessment to claim adequate water exists for the project. The DEIR does recognize that overuse of groundwater poses problems,[89] and that drought can have significant impacts on water supply,[90] yet the water supply analysis fails to account for the potential impacts of climate change and drought on the long-term water supply in the area. One glaring problem with the water supply assessment is that the evaluation of "long term" impacts is based on just *four* years.[91]

Yet we are currently experiencing the most severe drought we've seen in nearly *120 years*:

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connects to Fibreboard would provide a secondary seasonal emergency access during catastrophic events (e.g., wildfire)." (DEIR, p. 17-17).

[86] http://www.trpa.org/monthly-column-meeting-the-transportation-challenges-of-tomorrow/

[87] "One option for water supply to the West Parcel development area would be through expansion of the existing NCSD water supply, storage, and distribution system, which includes two springs, a reservoir, and two groundwater wells in the MVGB." (DEIR, p. 15-21)

[88] "A second option for water supply for the MVWPSP development would be installation of groundwater wells on the West Parcel. By virtue of the elevation, topography, and subsurface geology of the project site, onsite wells would not directly access the Martis Valley Groundwater Basin." (DEIR, p. 15-23).

[89] "Overuse of groundwater resources can lead to depletion of aquifers and, in the long-term, may result in loss of surface water flows in associated springs and streams (USGS 2003)." (DEIR, p. 15-21).

[90] "Periods of drought can have significant impacts on water supplies…The lowest spring flow noted occurred in January 2015 and was approximately 20 gpm, or approximately 32 afy on an annual basis. This is down from the previously observed low flow of 48 afy noted in 1992." (App. N, p. 6).

[91] "Groundwater levels rise in wet years, increasing underground storage and decline during dry years reducing the stored volume. The storage volume of the MVGWB is reportedly approximately 484,000 af (Kaufman, 2011). Because the storage volume is so large, groundwater supplies are less susceptible to short-term dry periods. Therefore, the groundwater and supplies are not expected to be significantly impacted by a single dry year or by multiple dry years (four years) and the yield estimate for a single dry year and for multiple dry years are assumed to equal the normal year yield. (App. N, p. 6)." [Emphasis added].

> "The current drought is the most severe in nearly 120 years of instrumental record.2 California has a Mediterranean climate, receiving very little precipitation during the summer months. California's "water year" starts on October 1 and ends on September 30. The 2014 water year was the third driest on record, and 2012–2014 was the driest three-year period in the instrumental record. At 25% of average, the snowpack in 2014 was then the lowest ever recorded, but even this record was broken in 2015, when the snowpack reached a new low of 5% of average. The drought has also been extraordinarily warm. Dry conditions across the state have been exacerbated by high temperatures, with 2014 the hottest year on record and 2012–2014 the hottest three-year period on record (Mann and Gleick 2015)."[92]

Not only are we experiencing drought as we've never recorded before, previous droughts have certainly exceeded four years:

> "Several factors are putting pressure on the state's agricultural economy: California has the most variable climate in the United States (Dettinger et al. 2011) and is prone to extreme hydrologic events, including multiyear droughts. The most significant statewide droughts have occurred during the six-year period from 1929 to 1934, the two-year period from 1976 to 1977, and the six-year period from 1987 to 1992 (DWR 2015a). More recently, California experienced a relatively modest drought from 2007 to 2009 and, as of this writing, is in the midst of a major drought that began in 2012."[93] [Emphasis added].

Relying on the Truckee River Operating Agreement (TROA)[94] is also insufficient, as the environmental analysis associated with the TROA was completed in 2008. Substantial new information regarding climate change and drought impacts, along with record-breaking drought and groundwater drawdown in California, has come to light.[95,96] In addition, CEQA's requirement to analyze and disclose impacts is different from comparing whether impacts meet existing legal requirements.

Further, with climate change California is expected to see less snow and more rain, affecting the timing and extent of the Sierra Nevada snowpack and our entire water supply system.

> "If heat-trapping emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack by as much as 70 to 90 percent.
>
> How much snowpack will be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under wetter climate projections, the loss of snowpack would pose challenges to water managers, hamper hydropower generation, and nearly eliminate skiing and other snow-related recreational activities." http://cal-adapt.org/snowpack/decadal/

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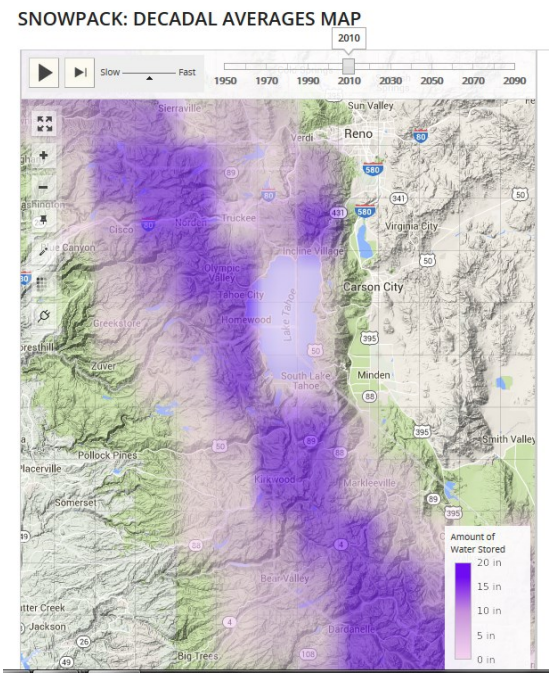
[92] Impacts of California's Ongoing Drought: Agriculture. Pacific Institute. August 2015. http://pacinst.org/wp-content/uploads/sites/21/2015/08/ImpactsOnCaliforniaDrought-Ag.pdf

[93] Impacts of California's Ongoing Drought: Agriculture. Pacific Institute. August 2015. http://pacinst.org/wp-content/uploads/sites/21/2015/08/ImpactsOnCaliforniaDrought-Ag.pdf

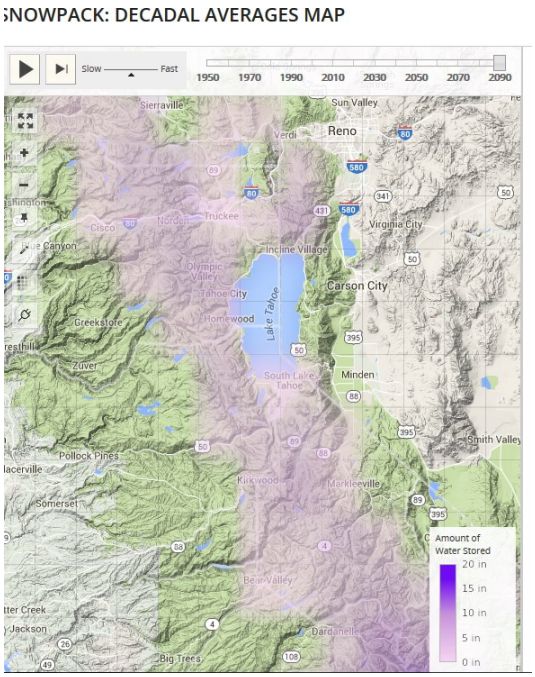
[94] "Given that the current available resource estimate is 33,000 afy, the MVGWB is adjudicated, and there is no evidence suggesting widespread overdrafting, the available groundwater resource is constrained by the groundwater diversion rates set forth in TROA." (DEIR, App. N, p. 8).

[95] California's Most Significant Droughts: Comparing Historical and Recent Conditions. California Department of Water Resources. February 2015. http://www.water.ca.gov/waterconditions/docs/California_Signficant_Droughts_2015_small.pdf

[96] www.ncdc.noaa.gov



Snowpack: 2010



Snowpack: 2090

It would be irresponsible to continue to develop based on assumptions from historical climate conditions that have now changed.

Not only does the DEIR fail to adequately analyze water supply in light of existing conditions and information about drought and climate change, but the proposed mitigation measures do not suffice. First, Mitigation Measure 15-4a *("Verify adequacy of groundwater supplies through modeling and supplement supplies, if necessary")* defers an important analysis of groundwater supply to sometime in the future. This prevents the public from being able to review this information and meaningfully comment on the water supply analysis. Second, Mitigation Measure 15-4b *("Monitor surface and groundwater resources within the project area"*) states that water supply will be monitored. However, monitoring the supply does not translate to proof that the impact can be mitigated. The DEIR needs to analyze and disclose how water demand from the project will be managed if water supplies are reduced. For example, will new units be prohibited so as to avoid increasing demand on insufficient water supplies? Will there be a method to supply the units with water from other sources, such as "trucking it in" from other locations? Will the HOA place restrictions on water use if supply reaches a designated low point?

In addition, it has been revealed that project proponents have dug several test wells in Carnelian Bay (Ellie Waller, Pers. Comm. 2015). Notably, the TROA prohibits such transfers of water between the Tahoe Basin and Martis Valley watersheds. Therefore, the MVWPSP cannot rely on the use of any water from the Tahoe Basin watershed; all water must come from sources outside of the Tahoe Basin.

The DEIR needs to evaluate potential impacts to water supply based on existing and anticipated future conditions (which involve climate change and drought), and to include potential mitigation measures and analyze the extent they can reduce the use of water in the future.

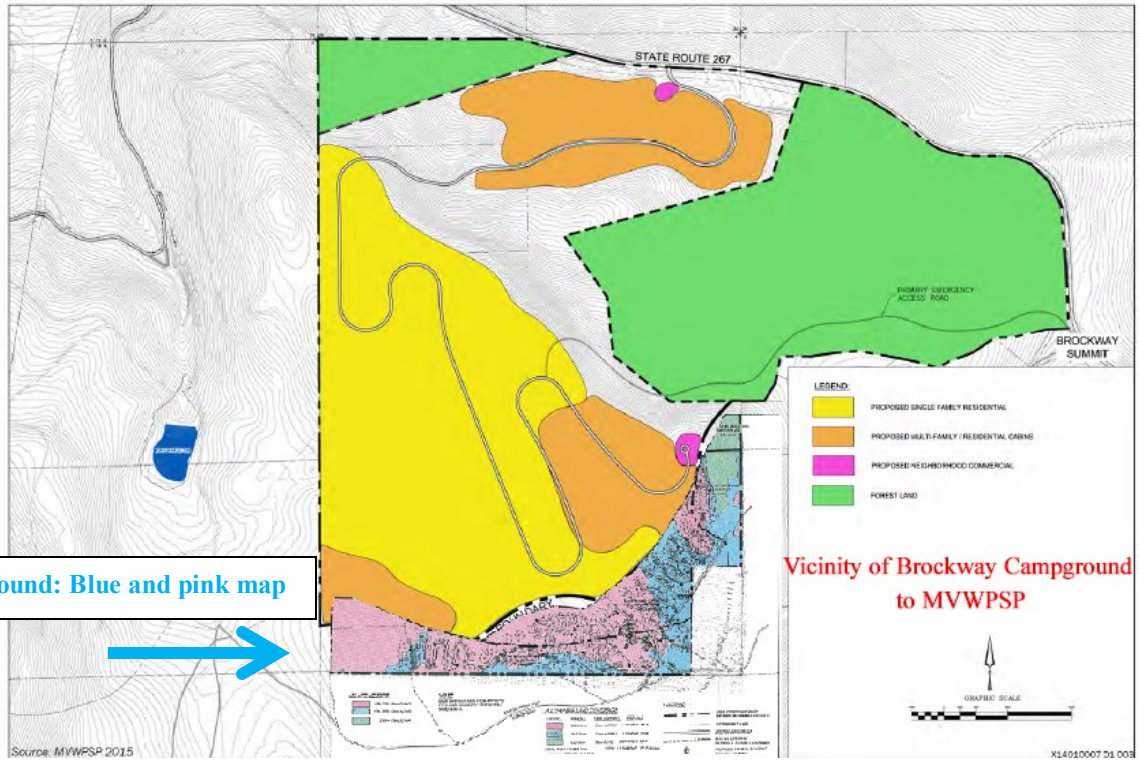
12. Cumulative impacts and related projects

A. Brockway Campground and Martis Valley West Area Plan:

The cumulative impacts of the proposed Brockway Campground[97] – which borders the MVWPSP project area on the Lake Tahoe side – must be fully assessed. Placer County is aware of the application for the Brockway Campground project[98] as well as the "suspended" application for the Martis Valley West Area Plan[99] for the same location. Because the application has not been withdrawn, the MVW Area Plan also remains a potential project whereby cumulative impacts must be considered.

The image below reveals where these two projects are located; it is easy to see why there will be cumulative impacts which must be assessed. It is also worth noting that these projects are proposed on and along the same ridgeline by the same applicant. As the image below shows, they can be viewed as one large project area; the only 'division' is the legal boundary line for the Basin. Additionally, the Brockway Campground project area was originally included in the proposed Martis Valley West Parcel Project, as noted in the 2014 NOP. The cumulative impacts of these projects must be extensively evaluated.

[97] http://brockwaycampground.com/
[98] http://www.trpa.org/document/projects-plans/
[99] http://www.placer.ca.gov/~/media/cdr/Planning/West-Parcel-Specific-Plan/Draft%20Specific%20Plan%20and%20Area%20Plan/Appendix%20C-Area%20Plan.pdf



Brockway Campground: Blue and pink map

Image: General comparison between location of the MVWPSP and Brockway Campground (Figure C11.2 from the Campground application was merged with the MVWPSP figure).

The EIR must clearly examine the potential cumulative impacts of the project with other reasonably foreseeable projects, including the Brockway Campground.

B. Cumulative Construction Impacts:

There are numerous projects in the region which are anticipated to, or proposed to, undergo construction during the same time frame as the MVWPSP. This includes the proposed Brockway Campground/Martis Valley West Area Plan, Boulder Bay, Homewood Mountain Resort, Northstar Mountain Master Plan Amendments, and the Village at Squaw Valley. All of these projects will generate construction traffic. There is nothing in the DEIR discussing the cumulative impacts of these overlapping construction periods.

The EIR must address how construction-related impacts will be addressed and mitigated on a cumulative scale.

13. Scenic

A. Need for distinct analysis of Tahoe Basin Impacts:

1) Significance criteria for a National Treasure:

The Tahoe Regional Planning Agency Compact[100] (Article 1) specifies that the *"(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural public health values provided by the Lake Tahoe Basin…"(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its manmade environment*." [Emphasis added].

The TRPA Goals & Policies[101] also call for the protection of Lake Tahoe's scenic values. Examples include, but are not limited to, the following:

> "LU-1.1 THE PRIMARY FUNCTION OF THE REGION SHALL BE AS A MOUNTAIN RECREATION AREA WITH OUTSTANDING SCENIC AND NATURAL VALUES.
> The economic health of the Region depends on a viable tourist and recreation-oriented environment. It is the intent of this Regional Plan, among other things, to encourage development that enhances these values.
> …
> GOAL SR-1
> MAINTAIN AND RESTORE THE SCENIC QUALITIES OF THE NATURAL APPEARING LANDSCAPE.
> SR-1.1 ALL PROPOSED DEVELOPMENT SHALL EXAMINE IMPACTS TO THE IDENTIFIED LANDSCAPE VIEWS FROM ROADWAYS, BIKE PATHS, PUBLIC RECREATION AREAS, AND LAKE TAHOE." [Emphasis added]

In TRPA's 1982 EIS for the development of the environmental threshold carrying capacities,[102] it was recognized that:

> "…Scenic quality is perhaps the most often identified natural resource of the Lake Tahoe Basin. Visitors to the area enjoy views of a magnificent lake sitting within a forested mountainous environment under clear blue skies. The Tahoe Basin is unique in that it combines visual elements normally found in several different landscape settings into one clearly defined region exhibiting exceptionally high aesthetic values…"
> "…The distinctive mountain landforms surround the flat plane of the Lake, creating an enclosed landscape type. The edges between sky and ridgetops, between water and shore, and between vegetation and rock all add interest to the scenic landscape."
> "…views of natural landscape features uninterrupted by manmade development rank higher than views competing with or blocked by buildings. Also, large scale panoramic views rate higher than focused or intermittent, obscured views…" [Emphasis added]

The DEIR fails to recognize the significance of actions that impact the Tahoe Basin. Impacts that may be deemed "less than significant,"[103] "not

[100] http://www.trpa.org/bi-state-compact/
[101] http://www.trpa.org/wp-content/uploads/Regional_Plan_Goals_Policies_Final-2012-12-12.pdf
[102] *Environmental Impact Statement for the Establishment of Environmental Threshold Carrying Capacities,* Tahoe Regional Planning Agency. May 1982. (p. 44-45).

substantially altered"[104] or "not noticeably visible"[105] in other, less protected areas may be very significant to the Tahoe Basin. Yet the DEIR does not include separate significance criteria for the two sides of the project - the Martis Valley side and the Tahoe Basin side - in its general approach to evaluating the project's visual impacts. In addition, impacts to the Lake Tahoe Basin are dismissed through use of such measures as incorrectly measured sightlines (see comments regarding visual profiles), selection of inappropriate and/or irrelevant observation points, screening by trees and forests that are targeted for heavy thinning, and dismissal of light pollution through claims it will not be seen after dark despite the dramatic change from an undeveloped black ridgeline to one with numerous lights, and existing sky glow that will only be worsened by the project.

2) *Impacts to key backdrop scenery of undeveloped forested ridge in an area of National scenic significance*

That a key document establishing TRPA's environmental threshold carrying capacities (cited previously) would specifically call out the forested mountains for their values as backdrop to the lake is especially relevant when reviewing the impacts from a project located along the dark forested ridge that is a backdrop to the lake. However, the proposed MVWPSP conceptually attempts to skirt the implications of intruding on the Tahoe Basin by locating its foundations immediately adjacent to the Tahoe Basin boundary line, but technically outside of the TRPA jurisdictional boundary. In fact, the DEIR advertises this in an apparent effort to suggest no impacts to the Lake Tahoe Basin will occur.[106] However, with the slight slope along the boundary line, there is little difference between a building located on the Tahoe Boundary line and one located five to ten feet away from the line. Buildings that are not behind a topographic feature that completely removes them from viewpoints around the lake will likely be viewable from numerous locations in the Basin, and the impacts to night sky will be even greater as light pollution from the structures, associated streetlights, and vehicle headlights can be seen from farther distances (noted below) and will contribute to ever-increasing sky glow in the area.

Additionally, although the DEIR includes two professional 'peer reviews' of the scenic analysis, the assurances from these reviews are discredited as a result of the technical deficiencies discussed in greater detail below (e.g. failure to use accurate data for height and forest cover and inappropriate and insufficient visual observation points and sight lines). Also, as noted later in

[103] "As shown in Exhibits 9-27 through 9-30, buildout of the MVWPSP project would not have a substantial adverse effect on scenic vistas and would be a less–than-significant impact." (DEIR, p. 9-37).
[104] "As shown in Exhibits 9-28 and 9-29, scenic vistas from the Tahoe Basin would not be substantially altered by the project." (DEIR, p. 9-37).
[105] As shown in Exhibit 9-33, no lights from the development area are visible from the KOP and the nighttime view after project implementation is not noticeably different than the existing view. (DEIR, p. 9-46).
[106] "The project does not propose development or land use changes on the 130 acres co-located in the Tahoe Basin, so no action is required from TRPA." (DEIR, p. 3-9).

these comments, the DEIR provides pieces of information in different sections to assemble some of the data from which to review the impacts of night lighting to areas within the Tahoe basin.

B. Placer County Plans also call for scenic protections:

The Martis Valley Community Plan (2003)[107] includes goals and policies to protect scenic vistas as well:

> "Goal 4.B: To protect the visual and scenic resources of Martis Valley as an important quality-of-life amenity for Martis Valley residents and a principal asset in the promotion of recreation and tourism.
>
> **Policies**
>
> 4.B.1. The County shall require that new development in scenic areas (e.g., riparian corridors, lake watersheds, scenic highway corridors, ridge lines and steep slopes) is planned and designed in a manner which employs design, construction, and maintenance techniques that:
>
> a. Incorporate design and screening measures to minimize the visibility of structures and graded areas;
> b. Maintain the character and visual quality of the area.
>
> 4.B.2. The County shall require that new development in scenic areas be designed to use natural landforms and vegetation for screening structures, access roads, building foundations, and cut and fill slopes." (MVCP, p. 38).

Placer County's General Plan[108] also calls for the protection of scenic vistas and avoidance of locating structures on ridgelines:

> **"Goal 1.K:** To protect the visual and scenic resources of Placer County as important quality-of-life amenities for County residents and a principal asset in the promotion of recreation and tourism.
>
> **Policies**
>
> 1.K.1. The County shall require that new development in scenic areas (e.g., river canyons, lake watersheds, scenic highway corridors, ridgelines and steep slopes) is planned and designed in a manner which employs design, construction, and maintenance techniques that:
>
> a. Avoids locating structures along ridgelines and steep slopes;
> b. Incorporates design and screening measures to minimize the visibility of structures and graded areas;
> c. Maintains the character and visual quality of the area.
>
> 1.K.6. The County shall require that new development on hillsides employ design, construction, and maintenance techniques that:
>
> a. Ensure that development near or on portions of hillsides do not cause or worsen natural hazards such as erosion, sedimentation, fire, or water quality concerns;
> b. Include erosion and sediment control measures including temporary vegetation sufficient to stabilize disturbed areas;
> c. Minimize risk to life and property from slope failure, landslides, and flooding; and,

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107 http://www.placer.ca.gov/departments/communitydevelopment/planning/documentlibrary/commplans/martisvalleycp/martisvalleycpeirs

108 http://www.placer.ca.gov/departments/communitydevelopment/planning/documentlibrary/commplans/placer-county-gp

d. Maintain the character and visual quality of the hillside." (PCGP, p. 39-40).[Emphasis added]

C. Overview of problems with scenic analysis:

The MVWPSP proposes to locate new structures on the ridgeline between the Tahoe Basin and Martis Valley.[109] The DEIR analysis employs numerous methods and selective observation points to conclude that scenic vistas from Martis Valley, Lake Tahoe, and Northstar would not be "substantially altered by the project." (DEIR, p. 9-33 to 9-37). The DEIR therefore concludes that "buildout of the MVWPSP project would not have a substantial adverse effect on scenic vistas and would be a less–than-significant impact" (DEIR, p. 9-37) and therefore no mitigation is required.

There are numerous problems with the scenic analysis which raise concerns regarding these conclusions, including but not limited to the following (detailed discussions follow):

- The DEIR does not explain how the proposed project meets the goals and policies of the Placer County General Plan, Martis Valley Community Plan, and TRPA Regional Plan which call for protection of scenic vistas and avoidance of development on ridgelines (as noted previously);
- Visual profiles do not account for the placement of buildings along ridges;
- Observation points do not adequately represent areas of scenic, recreational, or other public viewing areas within the Lake Tahoe Basin;
- Information regarding the selection of observation points is not fully provided (e.g. the process to select observation points is discussed,[110] and consultant and agency decisions are noted, however the public is not provided with the information used to decide which viewpoints would not be studied further);
- Significance conclusions are often made based on presumed consultant/agency opinion;
- Scenic simulations do not account for tree removal associated with project construction (e.g. roads, utilities, and other buildings) nor thinning for defensible space/forest health;
- Skyglow impacts are not sufficiently addressed;
- Light pollution that may impact points below the ridgeline is not addressed;
- Mitigation measures involving the type of lighting used (e.g. various levels of lumens) are not considered;
- Mitigation involving the placement of structures below the ridgeline is not considered; and
- Impacts from headlights are not analyzed or addressed.

[109] See Exhibit 9-26: Conceptual Site Plan Used to Simulate Buildout of the Project Site; DEIR, p. 9-31.
[110] "As described above in Section 9.2.4, "Project Site Visibility – Visual Profiles," a visual profile study was conducted to evaluate whether the West Parcel development area would be visible from surrounding viewpoints. As summarized in Section 9.2.5, "Key Observation Points," KOPs were selected to represent locations where the West Parcel development area is visible from public gathering places and recreational areas, or where proposed structures would potentially be visible as a result of vegetation clearing that could occur as part of the project." (DEIR, p. 9-29).

D. MVWSP conflicts with existing Goals and Policies:

As noted above, the MVWSP conflicts with Placer County and TRPA Goals and policies which call for the protection of scenic vistas and in the case of Placer County's General Plan, the avoidance of development on ridgelines (Policy 1.K.1.a). The DEIR does not explain how the MVWPSP is consistent with these goals and policies.

The EIR must address whether the proposed project achieves the goals and policies of applicable plans. Where in conflict, these conflicts must be disclosed.

F. Visual Profiles and Building Height

The DEIR recognizes that structures may be visible from the Lake Tahoe Basin depending on height.[111] However, according to the figures presented in Chapter 9, the DEIR evaluates the visual profiles from selected visual observation points based not on lands with proposed buildings on them, but simply the existing level of the ground.[112] In other words, the profiles do not account for the potential building heights along and on top of the ridgelines up to 75 feet tall.[113] The profiles also do not account for the accessories that can be placed even higher on these structures, nor the maximum potential impacts that may result due to relying on the average slope, rather than that which represents the greatest impact[114] (which would represent the most conservative DEIR approach).[115] Notably,

[111] "However, there is a potential for proposed structures to be visible from the Tahoe Basin depending upon the height of structures and vegetation clearing." (DEIR, p. 9-9)

[112] The DEIR states elsewhere that visual profiles accounted for building height (p. 9-9), however, the figures in Chapter 9 do not reflect the maximum ridgeline elevation with buildings on top. Additionally, the Square One report (p. 2-3) states that visual profiles were done for sight lines to the project area. There is no discussion in the report regarding the placement of buildings being accounted for in the visual profiles. In fact, the Square One report states that building impacts were considered *after* the viewpoints were narrowed down: "Over two dozen sites were considered, including numerous locations in the Basin, several from Martis Valley, the Truckee Roundabout, Brockway Summit, and a number of locations in and around Northstar." (p. 1).

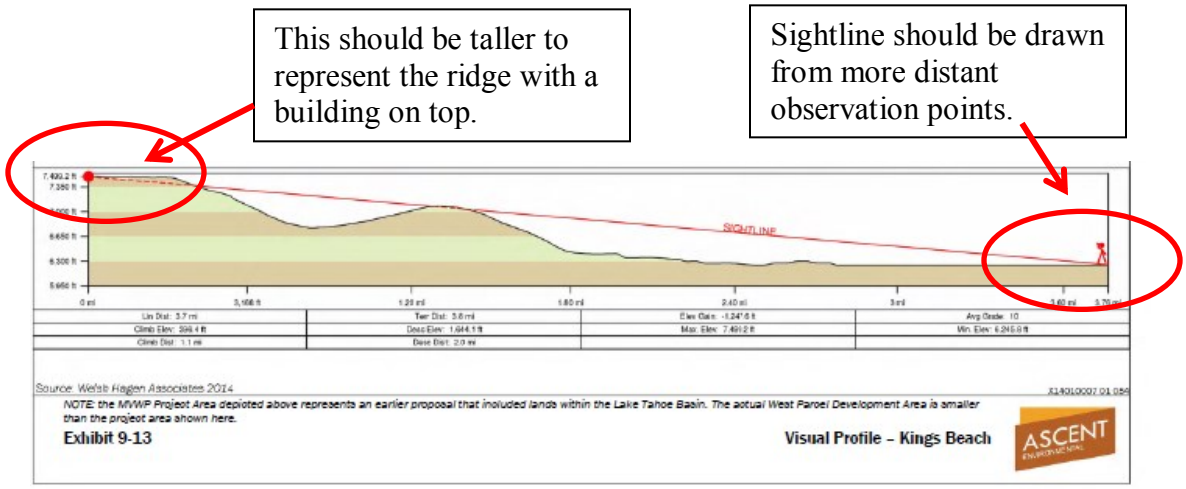
[113] "c. Building Heights; Maximum Building Heights, as calculated by Section 17.54.020 of the Placer County Zoning Ordinance and as set forth in Section 2.b. of this Specific Plan. Single Family Residences 42 feet; Townhomes 50 feet; Condominiums 75 feet; Commercial Buildings 60 feet; Buildings on the knoll – Figure Z 60 feet" (Draft MVWSP, Appendix B, p. B-11)

[114] Although the Square One Report suggests a more conservative approach (excerpt below) may have been applied once the scenic assessment had narrowed down the sites evaluated, it is unclear whether all scenic methodology accounted for the worst case scenario since detailed information regarding the scenic assessment has not been provided to the public. "In the absence of a finalized site plan, to portray a worst case scenario, Square One placed each building on the highest point of each building footprint's topography instead of the lowest point as required by the TRPA, or the average height as required by the County." (Square One Report, p. 4).

[115] "Chimneys, vents, and other architectural or mechanical appurtenances on buildings may be a maximum of fifteen (15) percent higher than the height of the applicable zone. No building or structure would be constructed or altered to exceed the height limits identified in the MVWPSP. The height limits for buildings and structures would be measured in accordance with Placer County Zoning Ordinance, Section 17.54.020, as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the natural grade (Exhibit 3-8)." (DEIR, p. 3-18).

another study performed in the area by Welsh Hagan Associates only reviewed buildings up to 42 feet.[116]

For example, the visual profile associated with points in Kings Beach (Figures 9-13 and 9-14) shows that the visual profile of the ridgeline is very close to the sightline in that it may be seen from the observation point. If the observer were farther away on the beach, there is a good chance the ridgeline would easily be viewable. However, if a 75 foot structure (or even 60 foot building) were placed on the ridgeline, this may easily fall into the sightline of the observer. The assessment needs to be revised to incorporate the height of proposed buildings, as well as address sight lines from locations farther down the beach (e.g. 50 feet farther back, 200 feet, and ¼ mile).



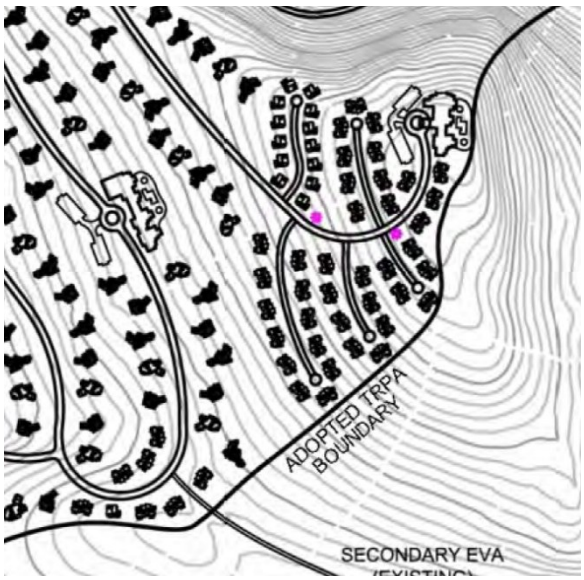
The DEIR describes the project site for the ridge and the lands south [Tahoe side] of the ridge: "Slopes increase moving southwest of Middle Martis Creek toward the ridge, exceeding 50% in the steepened areas. South of the [ridge], the upper bench slopes moderately (generally less than 15% but exceeding that in some areas) down to the west and southeast [Tahoe-side]. The low point of the parcel is approximately 6,600 feet at Middle Martis Creek and the highest is 7,800 feet at the top of the central ridge."[117] As noted previously, the 7,800 foot ridge elevation is greater than the sightline end points on Exhibits 9-8 to 9-18 (DEIR, p. 9-10 to 9-20).

[116] The following was determined during the assessment: 1. "The 42 foot high balloons ***were not able*** **to be seen** at 300 feet or ¼ mile from Lake Tahoe shoreline, per TRPA Baseline Scenic Conditions standards, from Photo Points 1 and 2, Agate Bay. 2. The 42 foot high balloons ***were not able*** **to be seen** at 300 feet or ¼ mile from Lake Tahoe shoreline, per TRPA Baseline Scenic Conditions standards, from Photo Points 3 and 4, Carnelian Bay." (Martis Valley West Parcel Baseline Scenic Assessment. Welsh Hagan Associates. October 2013).

[117] "Approximately 100 acres of the lower bench (in the northeastern corner of the West Parcel) has slopes of 0 to 15 percent (refer to Exhibit 14-1). Slopes increase moving southwest of Middle Martis Creek toward the ridge, exceeding 50 percent in the steepest areas. South of the rim, the upper bench slopes moderately (generally less than 15 percent but exceeding that in some areas) down to the west and southeast. The low point of the parcel is approximately 6,600 feet at Middle Martis Creek and the highest is 7,800 feet at the top of the central ridge." (DEIR, p. 14-2).

The EIR must correct the visual profile assessments by examining the profiles based on the location of buildings up to 75 feet tall on the ridges with placements at the highest elevations possible.

In addition, although the proposed MVWPSP identifies a "knoll" whereby new buildings are limited to 60 feet (see below),[118] there are still locations along the ridge where 75' structures could be built. Although areas may be currently identified for residential development, the DEIR notes that the final building design will be determined later and the proposals examined in the DEIR are only conceptual.[119] Therefore, development of the taller commercial buildings on the highest areas is not precluded by the MVWPSP. In addition, once the final project layout is determined (presumably *after* the MVWPSP is adopted, and potentially exempt from a full public process and additional environmental review), it may expose other areas on the sloping land from which building forms and light may be seen in the Tahoe Basin.



Left: Excerpted image from Exhibit 9-26 in DEIR

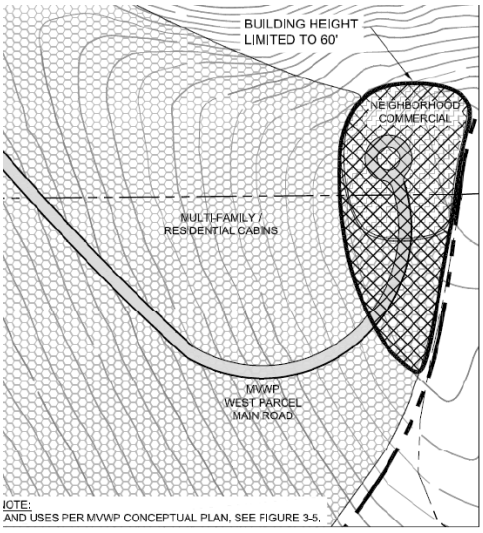


FIGURE Z

Right: Image from MVWSP, App. B

The revised scenic assessment should clearly identify where 60- versus 75- foot buildings may be located and include analyses of <u>all</u> affected viewpoints. The analysis must also be corrected to represent the highest elevation of buildings on the ridgeline, which requires that both maximum elevation and building height be considered in the assessment of visual profiles.

[118] http://www.placer.ca.gov/~/media/cdr/planning/west-parcel-specific-plan/oct2015publicdraftsp/k%20-%20appendix%20b%20-%2010-16-15.pdf?la=en

[119] "A conceptual plan is shown in Exhibit 3-7. The conceptual plan illustrates one scenario of how the Specific Plan could be implemented based on zoning, site conditions, and development restrictions. The Specific Plan provides flexibility regarding the location of single-family, multifamily and commercial development within the Residential zone, so the proposed project could ultimately differ from the conceptual plan shown in Exhibit 3-7." (DEIR, p. 3-13).

G. Insufficient observation points/documentation

The DEIR has narrowed down the observation points used in the scenic analysis to just a few locations.[120] First, we note the discussion refers to the *development area*, not the potential development itself. In other words, as noted above, the observation points appear to have been reviewed without consideration of the height of buildings that would be built on top of them (the visual profiles do not include building heights), which would raise the height that may be viewable from other locations. Second, the associated scenic documents (Square One Productions, Photosimulations of the Martis Valley Development Methodology Report, February 2015) explain a process whereby observation areas were discussed with two environmental groups in 2011 (Sierra Watch [SW] and Mountain Area Preservation Foundation [MAPF] – notably no Tahoe area groups were involved) and then a narrower set of observation points were selected for additional examination.[121] Third, the DEIR notes the maximum elevation of the project is 7,800 feet,[122] or 8,800 feet (which needs to be clarified)[123] however, the visual profiles for Tahoe Basin views in areas that are not obviously obstructed by topography (e.g. Kings Beach and Tahoe Vista) do not exceed 7,500 feet.[124]

H. Documentation of viewpoint selection:

The original viewpoints (approximate 44[125]) that were discussed are not provided to the public. Although the public requested and received some of the additional documentation (the Square One Methodology Report and two associated peer reviews), the record of the viewpoint selection process is incomplete, although it appears it may have been documented in a memorandum to Placer County that was not included with the DEIR.[126] Regardless, the public has no idea which points were originally selected and then dismissed from further consideration (and

[120] "Based on site visits to initial view points and a topographic modeling analysis, viewpoints from which the West Parcel development area clearly could not be seen were eliminated from further consideration. Detailed visual profiles were then prepared for the remaining viewpoints." (DEIR, p. 9-9).

[121] "Collaboration has been at the core of the MVWP project and minutes compiled by Mountain Area Preservation (MAP) and Sierra Watch's (SW) environmental consultant reflect discussions regarding potential locations for photographs and photosimulations as early as December of 2011. The selection of view points for the photosimulations was made after extensive deliberation and initial analyses of lines of site over numerous seasons. In collaboration, a substantial list was developed of sites that could be of concern based on discussions with regional environmental groups MAP and Sierra Watch, then the list was further enhanced by Placer County staff and Ascent Environmental. Moreover specific visual presentations were held with the lead environmental groups as well as Placer County, on April 9, 2013 and July 28, 2013 respectively. Over two dozen sites were considered, including numerous locations in the Basin, several from Martis Valley, the Truckee Roundabout, Brockway Summit, and a number of locations in and around Northstar." (SquareOne Methodology, p. 1).

[122] "The elevation varies from approximately 6,600 feet msl to 7,800 feet msl." (DEIR, p. 9-6).

[123] "…the parcels that comprise the project site range in elevation from approximately 6,000 feet msl to slightly over 8,700 feet msl." (DEIR, p. 9-5)

[124] See Figures 9-13 through 9-16.

[125] "Ultimately, over 70 profiles were prepared from 44 separate viewpoints, including profiles evaluating project buildings of different heights (from 42-foot single-family residential and cabin buildings up to 75-foot condominium structures) from the same viewpoints." (DEIR, p. 9-9).

[126] "Based on the initial analysis, sites from which the project site clearly could not be seen were eliminated and documented in a memorandum recapping the agreed locations with the lead agency, Placer County." (Square One Report, p. 2).

why). It also appears that observation points were narrowed down *before* the participants understood the topography of the area, (p. 1 notes that a list was developed first, then modeling to address topography was undertaken), begging the question of which locations were excluded before topography was analyzed. It is also unclear whether the visual profiles assembled for these viewpoints considered the location of buildings on the ridgeline, or just the ground-level elevation of the ridgeline (as discussed above), or whether the impacts from tree removal associated with project development and thinning were considered. This makes it impossible for the public to adequately review and comment on the scenic assessment.

Although it appears that the height of buildings was considered in the analysis,[127] this was only done *after* the viewpoints had been narrowed down based on visual profiles. Square One's documentation of all considered viewpoints needs to be made available to the public in order for the public to understand when building height was and wasn't considered.

The EIR must include all information associated with the selection of viewpoints so the public may have the opportunity to review and comment on the analysis.

I. Viewpoint selection for the Tahoe Basin:

After numerous steps had already been completed to narrow down the viewpoints, just a few locations were considered within the Lake Tahoe Basin, including points at two distances from the shore of Carnelian Bay,[128] Fibreboard Freeway, and the Tahoe Rim Trail (SquareOne Report, p. 4-5). Although listed as "nearby public viewpoints,"[129] these viewpoints fail to represent other scenic and recreation areas from which the project may be seen. Examples include other locations where due to location and/or distance, topography may not screen views of the project area, including other portions of the Tahoe Rim Trail, mountain peaks (notably the Tahoe Rim Trail and Pacific Crest Trails pass through several elevated locations around the Basin), other beach areas (e.g. Kings Beach and Incline Village), and other locations on Lake Tahoe. Although two more Tahoe locations were represented in the visual profiles,[130] due to the other technical

[127] "The project is in the conceptual stage of design, and the site plan and home placement is schematic. In the absence of a finalized site plan, to portray a worst case scenario, Square One placed each building on the highest point of each building footprint's topography instead of the lowest point as required by the TRPA, or the average height as required by the County. Thus buildings will most likely ultimately be lower than indicated in the simulations. The maximum allowed building heights were assumed. Within the Basin, townhomes and cabins are 42', commercial buildings are 48'. Outside the Basin, the townhomes are 50' and cabins are 42', commercial is 60'." (SquareOne Methodology Report, p. 4).

[128] "Photography was conducted from the 300-foot, the 450-foot and the ¼ mile ranges from the shoreline. Since shoreline trees block the project site at 300 feet, the simulations were produced at 450 feet and ¼ mile." (Square One Report, p. 4).

[129] "Nearby public viewpoints considered include views from Martis Valley, SR 267, Lake Tahoe, Northstar, and adjacent dispersed recreation areas including the Tahoe Rim Trail and Fibreboard Freeway." (DEIR, p. 9-52).

[130] "Exhibits 9-8 through 9-18 show the visual profiles from the following locations: 1) Big Springs Drive at Northstar Drive, 2) Tahoe Rim Trail near the Brockway Trailhead, 3) Northstar Village Plaza, 4)

deficiencies with the visual analysis, all areas should be reviewed in an updated visual assessment (including but not limited to profiles based on building height, post-project vegetation, and other factors).

Comments regarding the sites that were assessed are as follows:

Carnelian Bay/Kings Beach:

The DEIR does not explain how the site was selected, other than the distance from the shoreline. It is unclear why locations to the east or west were not considered. In addition, other beach areas along the North and East Shores may be impacted depending on where an observer is located.

Fibreboard Freeway:

The site ultimately selected to represent the view from the Fibreboard Freeway shows an overly-dense landscape. The visual assessment must consider the impacts that could occur once the forest has been adequately thinned for forest health.

Tahoe Rim Trail:

Exhibit 9-9 shows that the viewpoint from the Tahoe Rim Trail (TRT) is located by Brockway Summit. However, the project may be viewable from other locations on the TRT. For example, higher points along Mt. Watson and Mt. Baldy may have a line of sight to the project area.

A new scenic assessment is necessary. This needs to involve the public in the initial selection of viewpoints and methodology, including multiple Lake Tahoe Basin environmental and citizen groups, recreation enthusiasts, beachgoers, and other Lake Tahoe stakeholders. Large temporary structures, balloons, or other equipment should be placed on the ridgeline after thinning for defensible space and/or forest health has been completed (as noted below, light poles are also necessary to analyze night sky impacts). Views from all potential observation points need to be analyzed. All initial viewpoints should be discussed, adequately documented, and made available in a recirculated DEIR.

There also appears to be an error associated with Figures 9-13 and 9-14. Although the DEIR states these viewpoints are different and the associated pictures show this, the visual *profiles* for them are exactly the same.

Further, Exhibit 9-14 (also Kings Beach) presumes to begin at the same spot as Exhibit 9-13, but it does not. As the photo clearly shows, the observer in Figure 9-14 is approximately 300 feet to the east of the observer in Figure 9-13, and the

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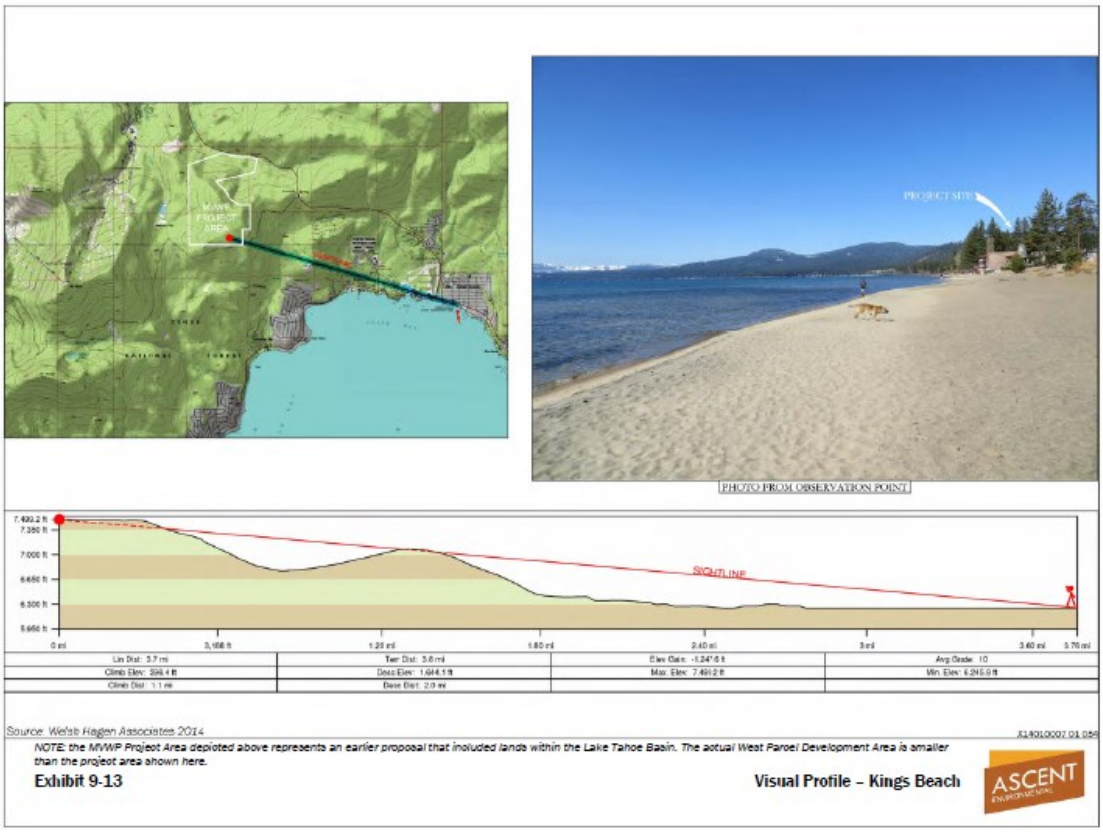
Northstar Drive at SR 267, 5) The Ritz Carlton near Northstar, 6) the beach at Kings Beach State Recreation Area (SRA), 7) near the boat ramp at Kings Beach SRA, 8) SR 28 in Tahoe Vista, 9) SR 28 at Jackpine Street in Tahoe City, 10) SR 267 at Brockway Summit, and 11) SR 267 at Highlands View Road in Martis Valley." (DEIR, p. 9-21)

viewpoint also adds in the pier, the large curve in the lakeshore, and a sign and rocks in the foreground. However, the visual profile indicates that the beginning and end of the sight line is the same length in both, and both start and end at the same points. That these two visual profiles are quite different, as revealed by the photos, raises questions of accuracy in preparing this document.

The two photos in Exhibits 9-13 and 9-14 also reveal key observation results that are quite different. The photo in Exhibit 9-13 reveals a ridge line that is apparently so obscure to the viewer that the document preparer was required to add an arrow and a tag - "project site" - to indicate that the ridge was in sight. There is no explanation of the reason for the inclusion of the photo in the document, and there is no explanation of why there are discrepancies in the visual profiles between the two.

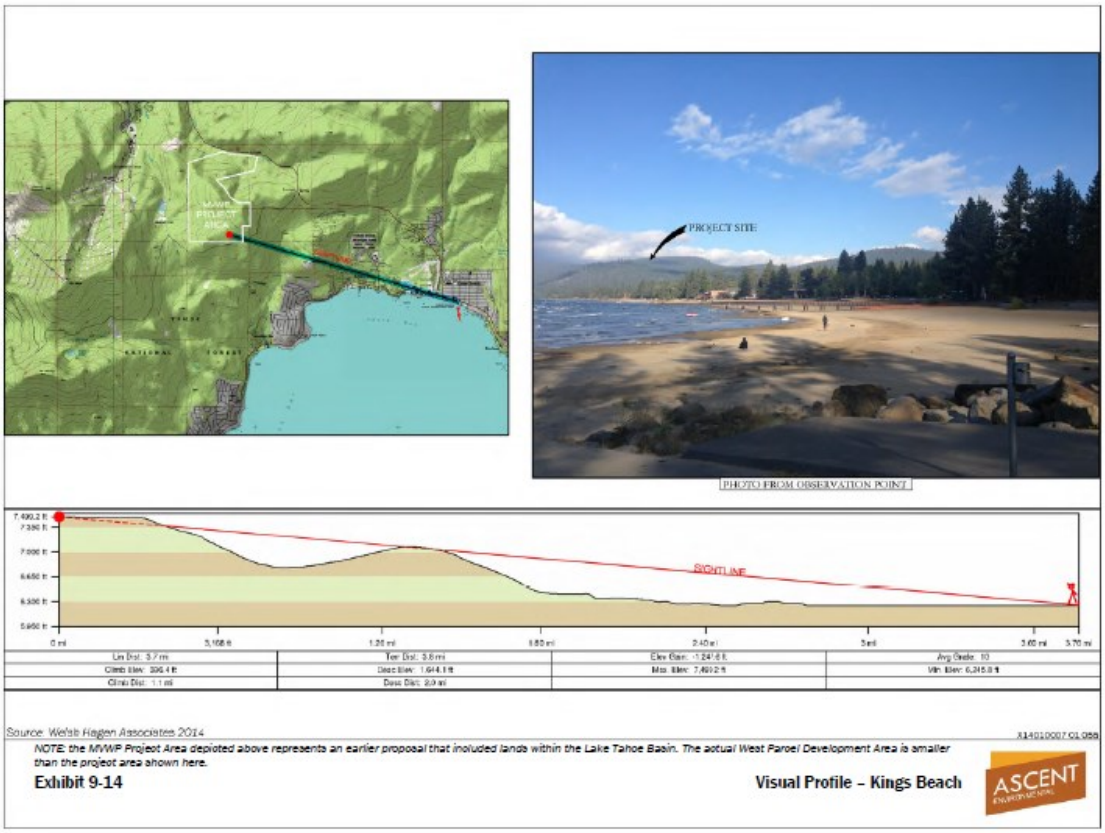
We note that Exhibit 9-14 provides a much grander view of the ridge, about four miles away, which is clearly visible from the public beach, a heavily used north shore recreation area. The public's night sky views from this beach will clearly be impacted by the light pollution from the ridge.



Source: Welsh Hagen Associates 2014

NOTE: the MVWP Project Area depicted above represents an earlier proposal that included lands within the Lake Tahoe Basin. The actual West Parcel Development Area is smaller than the project area shown here.

Exhibit 9-13 **Visual Profile – Kings Beach**



Source: Welsh Hagen Associates 2014

NOTE: the MVWP Project Area depicted above represents an earlier proposal that included lands within the Lake Tahoe Basin. The actual West Parcel Development Area is smaller than the project area shown here.

Exhibit 9-14 **Visual Profile – Kings Beach**

The revised visual assessment must include the corrected visual profiles and impact disclosures for this and other locations.

J. Significance conclusions

The DEIR finds all operational scenic impacts (excluding nighttime light pollution, discussed separately below) to be less-than-significant.[131] These conclusions are based on the following claims:

- "No structures would be visible from Lake Tahoe, and tree removal visible from Lake Tahoe would be largely obscured by remaining trees and nearly imperceptible. Therefore, the impact on scenic vistas would be less than significant." (DEIR, p. 9-32)
- "Because of the project area terrain and forest cover, project impacts on scenic vistas would be minor…Project components visible from Martis Valley would be largely in the middleground and screened by existing vegetation. Project structures would be less visible from Martis Valley than would existing features in the foreground of the view (e.g., transmission lines and towers) and would be comparable to existing development visible from Martis Valley. Project features visible from Northstar would appear as partially screened, dark/earthtoned-colored structures nestled in distant trees; structures would not appear silhouetted above the ridge, nor would obvious clearings or linear or angular patterns result from the project." (DEIR, p. 9-37)
- "Development Standards to protect scenic resources visible from SR 267, including specific, enforceable setback and visual screening requirements, which would minimize potential damage to scenic resources." (DEIR, p. 9-41)
- "The visual character of the site from surrounding areas, including distant views and nearby recreation sites, would not be noticeably altered by buildout of the MVWPSP because of topographic screening and the implementation of required Development Standards (see Impacts 9-1 and 9-2)." (DEIR, p. 9-43)
- "…the resulting visual character of the plan area would be consistent with other nearby development." (DEIR, p. 9-43)

In essence, impacts will be 'minimized' by design standards and vegetation, and/or they will be consistent with other nearby development. However, this project will add development to an area that is currently an undeveloped forest. It is impossible to add structures to a forest and not degrade scenery. Saying it is 'consistent' with nearby development when there is no nearby development is also misleading. This statement appears to be based on the opinions of the consultants and agencies regarding what is considered "nearby." In addition, as noted elsewhere, there are numerous problems with the scenic assessment which fail to analyze all potential scenic impacts of the project.

The EIR should identify impacts to the Tahoe Basin and Martis Valley as significant. The Placer County Board of Supervisors can choose to approve the project with significant and unavoidable impacts; however, CEQA requires the EIR to identify and disclose the project's impacts.

[131] Impact 9-1: Adverse effects on scenic vistas; Impact 9-2: Damage to scenic resources within a Placer County-designated scenic route; Impact 9-3: Degrade the existing visual character or quality of the site and its surroundings; Cumulative Impact 9-6: Cumulative effects on scenic vistas; Cumulative Impact 9-7: Cumulative effects on scenic resources within a Placer County-designated scenic route; Cumulative Impact 9-8: Cumulative effects on the visual character or quality of the site and its surroundings (DEIR, Chapter 9).

K. <u>Scenic simulations do not account for all tree removal in project area;</u>

Although the scenic assessment states that tree removal for the project was considered,[132,133] the impacts of the thinning that will be required to meet defensible space requirements[134] and forest management objectives were not assessed. Such thinning typically involves the removal of younger, overly-dense trees – which tend to be lower to the ground and provide extensive vegetative screening.

The proposed development will be subject to California regulations for defensible space, which requires the removal of vegetation that may currently screen views of the project area. In addition, meeting forest health objectives will require thinning of overly dense understory vegetation. Appendix E notes 57,071 existing trees below 14" dbh in the project area.[135] Meeting forest health and defensible space objectives will call for the removal of a substantial portion of these smaller trees (which will likely involve more trees than the estimated 26,903 trees less than 14" dbh[136] that will be removed for the project). As the DEIR relies upon vegetative screening to minimize visual impacts, the analysis must clearly be based on the vegetation that will exist upon project completion.

The revised scenic assessment must address the visual impacts of the project that will occur after vegetative thinning and defensible space in the project area is completed.

L. <u>Cumulative impacts with proposed Brockway Campground need to be analyzed</u>

The DEIR states the cumulative impacts from Brockway Campground (Campground) cannot be assessed because it is still in the "planning stage," and then proceeds to inexplicably conclude no "*considerable contribution to cumulative impacts from light and glare visible from nearby recreation areas or the Lake Tahoe Basin*."[137] These two concepts are in conflict; either the impacts

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[132] "The tree model accounted for the removal of existing trees in the vicinity of proposed structures, roads, and driveways, and accounted for visibility through the branches of remaining trees." (DEIR, p. 9-30).

[133] "Viewpoints where the view of the development area was <u>blocked by foreground vegetation</u> or structures that would remain after project implementation were not included as KOPs." (DEIR, p. 9-21). [Emphasis added]

[134] "The MVWPSP includes policies to address wildland fire hazards, including requiring property owners to maintain defensible space around structures, as defined by NCSD (Policy PSU-22), designing and siting structures to minimize risk from fire hazards (Policy PSU-23), and practicing fuel reduction methods consistent with NCSD Defensible Space Ordinance (26-09) (Policy PSU-24)." (DEIR, p. 18-20).

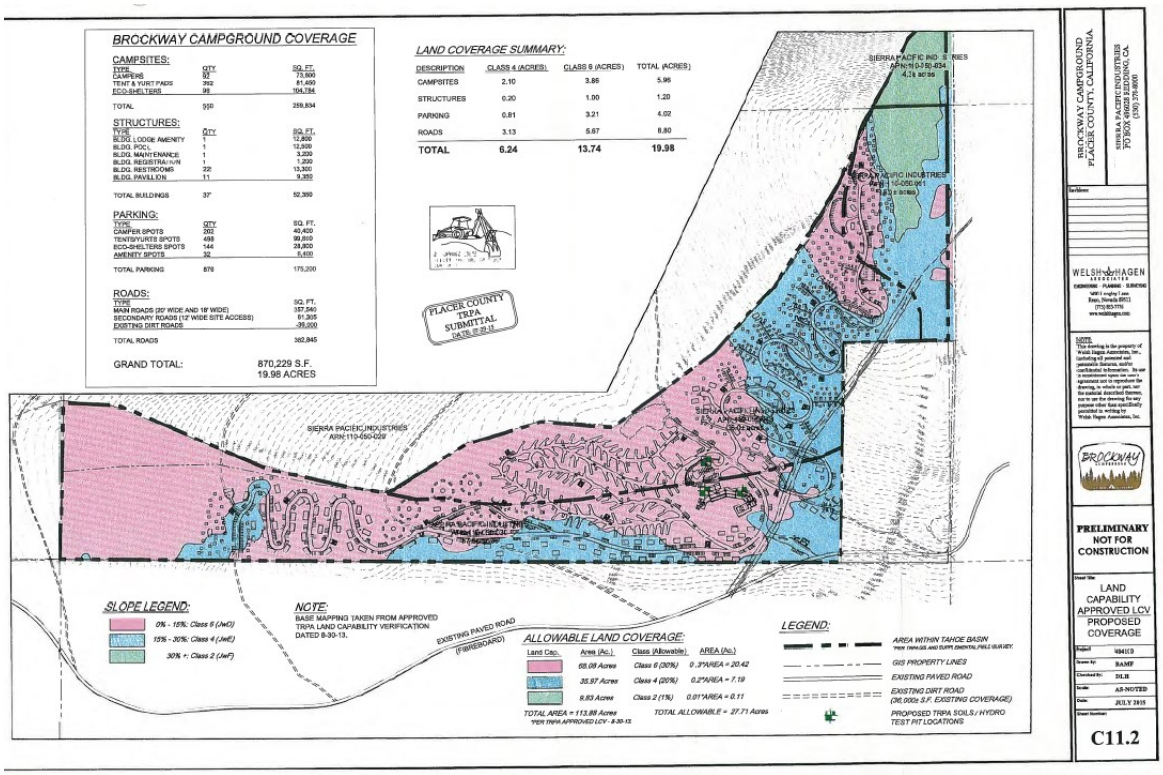
[135] Based on the total number of trees up to and including 12" dbh in Appendix E: Estimated Number of Trees by Species and Size on the West Parcel Developable Area (Single Family Residential, Multi-Family/Residential Cabins, Neighborhood Commercial, Main Acces Road, and EVA).

[136] Based on the total number of trees up to and including 12" dbh in Appendix E: Estimated Potential Tree Removal by Species and Size on the West Parcel Developable Area (Single Family Residential, Multi-Family/Residential Cabins, Neighborhood Commercial, Main Acces Road, and EVA).

[137] "Cumulative Impact 9-9: Cumulative effects on light and glare

were assessed and evidence shows no cumulative impacts, or they can't be assessed. The DEIR can't have it both ways.

However, we believe the EIR can further evaluate the impacts of the Campground. Notably there is a proposed campground layout[138] that is quite similar in the level of detail (if not even more detailed) than the conceptual layout for the MVWPSP in Exhibit 9-26.



This Campground layout certainly provides enough information for the EIR to evaluate the potential cumulative impacts of the MVWPSP and Campground projects. Trees will be removed in and around the Brockway Campground project area for construction, defensible space, roads, campsites, facilities and amenities, and forest health. This may remove vegetation that currently screens the views along numerous sightlines from which the MVWPSP developments may be viewable from locations within the Tahoe Basin. For example, a glimpse at the

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Future projects including the Brockway Campground Project could result in new sources of light and glare from outdoor lighting, campfires, and vehicle headlights that might be visible from nearby recreation areas or the Lake Tahoe. As shown in Impact 9-4, light sources and glare from the project area would not be visible from the Lake Tahoe Basin, or nearby recreation areas such as the Fibreboard Freeway. While future projects could result in new sources of light and glare visible from nearby recreation areas or the Lake Tahoe Basin, the MVWPSP would not substantially contribute to these effects. Therefore, the MVWPSP would not result in a considerable contribution to cumulative impacts from light and glare visible from nearby recreation areas or the Lake Tahoe Basin." (DEIR, p. 9-53 to 9-54).

[138] http://www.trpa.org/wp-content/uploads/APPLICATION-PHOTOS-GRAPHICS-PLANS.pdf

proposed road network in the Campground as seen in Figure C11.2 above indicates areas where trees will have to be removed to accommodate the roads.

The EIR must assess the cumulative scenic impacts that may occur with construction and operation of the MVWPSP and Brockway Campground.

M. Project impacts to Night Sky

Lake Tahoe's unique natural scenic resources include Night sky views around the Basin and on Lake Tahoe. Additionally, we note that in the Tahoe basin there are night uses of beaches in the summer and winter. Cross country skiing in the moonlight is also quite popular, as are beach parties and campfires. Lights on the ridgelines around the Basin where none currently exist would be quite obvious to those enjoying the natural values of the basin and therefore create a significant impact to Lake Tahoe's scenic resources.

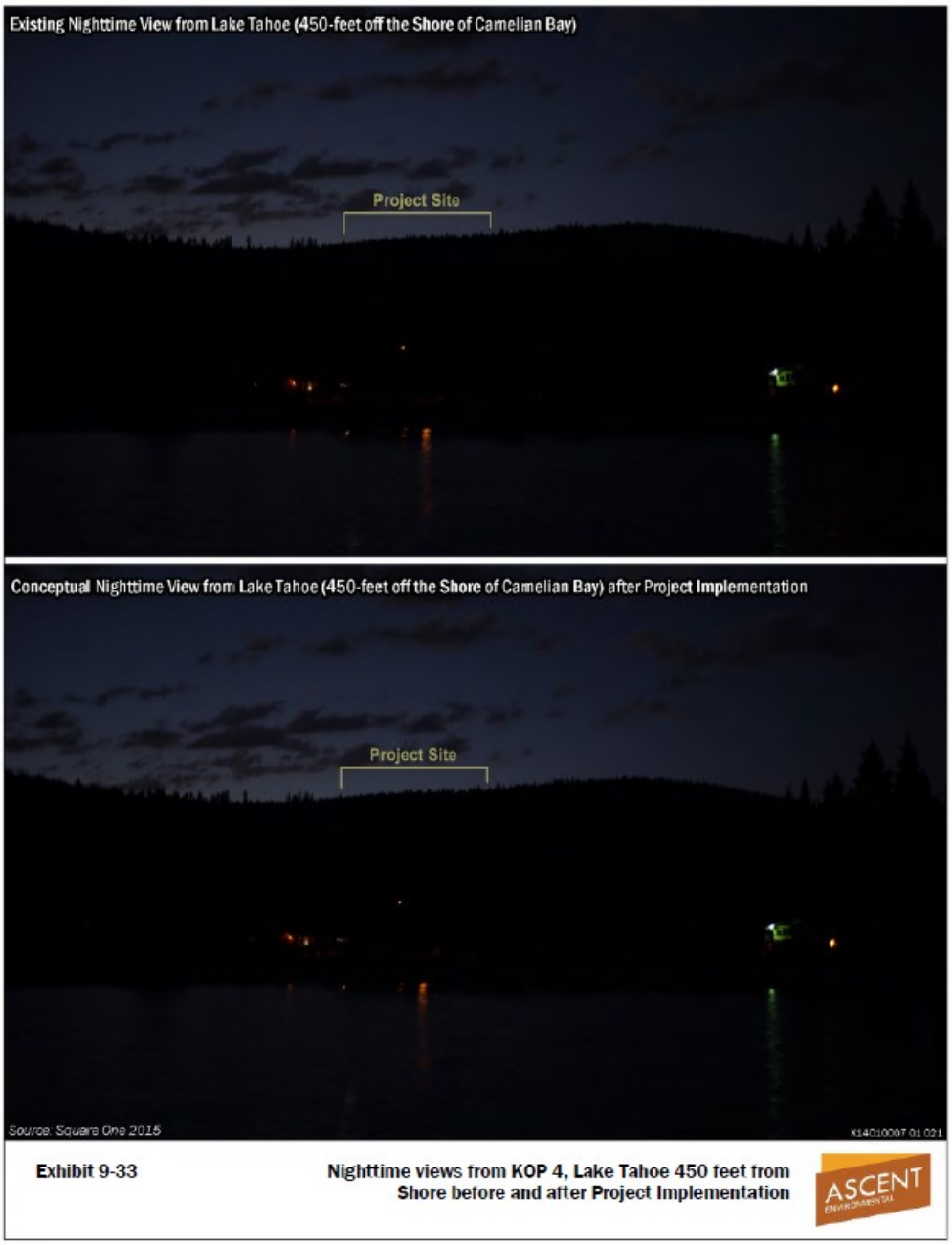
The DEIR acknowledges that "*Lighting associated with urban development and human presence can result in light pollution or unwanted outdoor lighting that can cause skyglow, light trespass, or glare, which can adversely affect the dark night skies."* (DEIR, p. 9-6). The same deficiencies that plague the daytime scenic assessments and the selection of viewpoints also impact the nighttime scenic analysis, and must be corrected.

1) Nighttime sight lines:

Impacts of nighttime light are likely to be seen from even greater distances than daytime structures. Although light pollution is apt to be more prominent from more locations than daytime scenic impacts, the DEIR only evaluates impacts to three views from within the Lake Tahoe Basin.[139] In addition, although the DEIR assumes full occupancy for the assessment,[140] the analysis fails to take into account headlights, tree thinning, impacts to lower elevations, and other viewpoints (as discussed below).

[139] "However, the project would result in new light sources that would be visible from some surrounding areas. To evaluate whether the new light sources would create a substantial amount of light that would adversely affect nighttime views, dark sky studies were completed from the Lake Tahoe, Martis Valley Trailhead, and Fibreboard KOPs. These KOPs were selected for dark sky studies because they represent the KOPs where impacts from new lights would be the greatest because of visibility of the West Parcel development area and the lack of existing lighting in the immediate foreground, which could obscure lighting from the development area." (DEIR, p. 9-46).

[140] "The photosimulation assumes full occupancy, so the amount of visible project light would be less in low occupancy periods." (DEIR, p. 9-48).



The MVWPSP's impacts to night sky from numerous other locations in the Tahoe Basin must be assessed, including nighttime views from the Tahoe Rim Trail (for example, above Sand Harbor), Pacific Crest Trail, surrounding mountain tops, other communities around the entire Basin (we note that nighttime lights approximately twelves miles or more in the distance are viewable across Lake Tahoe from the East to West Shore and vice versa), and on Lake Tahoe. There are numerous other locations around the Basin where topography does not obstruct views. For example, there is a direct line of sight from Cave Rock on the East Shore to the project site; while scenic impacts may be too distant to see during the day from this location (except perhaps glare from buildings or vehicles), given the distance light can be seen at night, it is possible it will be viewable from such a location.

The EIR must include a revised nighttime light pollution impact analysis which corrects the deficiencies regarding the viewpoint selections, in addition to considering the additional locations in the Lake Tahoe Basin from which light pollution will be visible. This should be completed as part of a comprehensive new scenic analysis which involves the public from the beginning.

2) Shining light to lower elevations:

Although the project states that lights will be shielded to prevent spill outside of the project area, we note the project area will include development *on and along the ridgeline*. As a result, light may be seen from numerous lower-elevation vantage points. Although some lower-aimed lights may be screened by vegetation, as noted previously, the existing analysis fails to evaluate impacts once vegetation has been removed. The EIR also fails to clearly identify the unintended consequences of shielding (for protection of night sky) which may include impacts on viewers in lower elevations. In other words, if there are lights from the project that are not screened by the vegetation, the downward-facing lights may protect the night sky, but light will be aimed directly at the viewers located at lower elevations, including the land and out over Lake Tahoe.

We recommend that those members of the public that have commented on the visual impacts of the project (daytime and nighttime) and other affected stakeholders be called upon to assist in selecting sites that are most likely to experience the visual impacts of the project, especially of lights deliberately aimed downward to prevent impacts to night sky.

The potential conflict between protecting the night sky versus protecting the views of the naturally dark ridge backdrop of the lake can easily be resolved by carefully determining which buildings at which sites cannot be screened, and redesigning the project so buildings would not be placed in those locations. In that case then, both the night sky and the dark ridgeline views are protected.

The EIR must evaluate the potential impacts to lower-elevation sites, as well as identify which buildings cannot be screened (and can then be removed from the project).

N. Sky glow impacts are not sufficiently addressed:

The DEIR refers to skyglow as "*a brightening of the night sky caused by both natural and human-made factors.*" (DEIR, p. 9-9). Wikipedia[141] provides the following discussion of skyglow:

[141] https://en.wikipedia.org/wiki/Skyglow

> "Skyglow (or sky glow) is the illumination of the night sky or parts of it. The most common cause of skyglow is artificial light that emits light pollution, which accumulates into a vast glow that can be seen from miles away and from high in the sky. Skyglow from artificial lights is common throughout the world and can be observed over most cities and towns as a glowing dome of the populated area. Skyglow's light domes can be large, as in that over a city, or small, as in that over an over-illuminated shopping center or a stadium."

By its very nature, skyglow is an *accumulation* of light sources. The DEIR fails to define how much the project may contribute to skyglow, and dismisses impacts because they presumably *"would not constitute a substantial new source of light…that would cause excessive skyglow."* (DEIR, p. 9-28). However, there is no information presented regarding what constitutes a "substantial" versus insubstantial impact, nor when skyglow impacts would be considered "excessive." In fact, where a larger impact is caused by the accumulation of many individual impacts, this results in a cumulative impact. Yet the DEIR discounts any cumulative impacts from light pollution to the Lake Tahoe Basin.[142]

In fact, the image presented in the DEIR (Exhibit 9-33, existing conditions) provides an example of the existing night glow as viewed from the Lake Tahoe Basin. The DEIR notes existing light pollution: "*The Martis Valley, immediately north of the study area, includes light pollution from existing residential neighborhoods, such as Martis Camp, Schaffers Mill, Lahontan and from the Northstar Resort and associated development (Exhibit 9-7).*" (DEIR, p. 9-9). Clearly, development in the area has already contributed to skyglow impacts. These impacts will only become magnified as more light sources are added to the area. Even if the light pollution truly cannot be seen from the Lake Tahoe Basin (although the evidence in the DEIR suggests otherwise), the light sources will still contribute to skyglow. In addition, although the DEIR states the cumulative impacts from Brockway Campground cannot be assessed because it is still in the "planning stage," as discussed previously, the Campground's application includes a rather detailed project layout[143] that is quite similar to the conceptual plan of the MVWPSP represented by Exhibit 9-26. This certainly provides enough information for the EIR to evaluate the potential cumulative impacts with the Campground. Not only will the Campground remove additional trees that may currently provide some screening, but it will also result in additional light sources on the ridgeline (including the project structures and headlights). This will contribute to nighttime light pollution and skyglow impacts.

The DEIR needs to analyze cumulative impacts on night sky and skyglow from the MVWPSP and the proposed Brockway Campground.

1) *Spectrum of Light Pollution:*

The spectrum of lighting influences many aspects of light pollution.[144,145] The DEIR refers to several existing design standards to reduce light pollution

[142] "…the MVWPSP would not result in a considerable contribution to cumulative impacts from light and glare visible from nearby recreation areas or the Lake Tahoe Basin." (DEIR, p. 9-54).
[143] http://www.trpa.org/wp-content/uploads/APPLICATION-PHOTOS-GRAPHICS-PLANS.pdf
[144] http://illinoislighting.org/lightcolor.html

(DEIR, p. 9-54), however none of these measures address the spectrum of light. The DEIR concludes cumulative night sky impacts on the Martis Valley side of the ridge to be significant and unavoidable: "*Because the MVWPSP already includes requirements that would limit light sources to the minimum amount necessary to maintain nighttime safety, utility, security and productivity; no additional mitigation is feasible…The MVWPSP would result in a considerable contribution to a cumulatively significant impact to nighttime views in Martis Valley, which would be significant and unavoidable.*" (DEIR, p. 9-55).

The EIR needs to examine additional mitigation related to the spectrum of lighting. There are numerous examples of adopted Codes for this protection that can be drawn from.[146]

2) <u>*Headlights:*</u>

The DEIR includes some analysis of the impacts of permanent lighting from the project, however the light pollution from vehicle headlights is not considered. As the development will place roadways (and homes, commercial areas, and potentially a hotel) high along the ridgeline, headlights will be an ongoing, continuous source of light. The DEIR completely fails to examine this impact. Additionally, the potential night sky impacts from vehicles associated with the proposed Brockway Campground must also be assessed. This is not only a known potentially cumulative project, but also proposed by the same applicant.

The EIR needs to evaluate the potential light impacts from headlights accessing the roadways and developments along the ridgeline. As noted elsewhere, this assessment must also account for the vegetative thinning that will be required for defensible space and/or to meet forest health objectives.

3) <u>*Significance of Impacts to Night Sky as viewed from Martis Valley:*</u>

The existing nighttime view from Martis Valley Trailhead shows a ridgeline 100% free of any lighting (Exhibit 9-34, p. 9-49). The proposed project will add lights on the ridgeline[147] (and likely more than simulated in the image,

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[145] "The spectrum of outdoor lighting influences many aspects of light pollution, from glare and human health to activities of animals (notably sea turtles) and insects and biological processes in many organisms – a good overview of these issues can be found here. The blue and green part of the spectrum especially has disproportionate impacts (see here). On this page we describe the influence on the darkness of the sky and the visibility of stars, specifically the results of new research on the visual brightness of sky glow…Though the negative impacts of poorly shielded fixtures and overlighting are widely understood, the impact of lighting color is not widely known, and most lighting codes do not address lamp types. But recent research shows that white lighting (such as LED, fluorescent and metal halide) has a dramatically greater impact – lumen-for-lumen – on sky glow than the currently most common high-pressure sodium (HPS) and especially low-pressure sodium (LPS)."[145]

[146] http://www.flagstaffdarkskies.org/dark-sky-solutions/dark-sky-solutions-2/outdoor-lighting-codes/

[147] "However, while it is unlikely that all buildings would be simultaneously illuminated, the project would result in new light sources throughout approximately 662 acres that have no existing light sources. These

due to reasons noted in our comments). This is a significant change from the existing condition (no development – meaning no light sources - in this location). It defies logic that the EIR concludes this is less-than-significant and no mitigation is required.[148]

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new light sources from buildout of the MVWPSP would be clearly visible from Martis Valley and would introduce new light sources in a portion of the view that is not already affected by light, which would contribute to the existing adverse effects on nighttime views. Thus, the MVWPSP would result in a considerable contribution to a cumulatively significant impact on nighttime views." (DEIR, p. 9-54).

[148] **"Conclusion**

The MVWPSP development would result in new sources of light. As specified in MVWPSP policies and Development Standards, these light sources would be required to be shielded, downward facing, and incorporate other measures to minimize light pollution, but they would still be visible from some surrounding areas. Light sources from the project would not be visible from Lake Tahoe or the Fibreboard Freeway, but they would be visible from Martis Valley. The new light sources visible from Martis Valley would be less prominent than existing light sources, because the new light sources would be partially screened by vegetation and topography, and at a greater viewing distance than existing light sources, which reduces the appearance of illumination. Because the light sources resulting from the MVWPSP would be consistent with and less prominent than existing light sources, the MVWPSP would not modify the character of the existing nighttime views. Therefore, the project would not create a new source of substantial light that would adversely affect views in the area and this impact would be less than significant.

Mitigation Measures

No mitigation is required." (DEIR, p. 9-48).

Also, the peer review performed by Richard Tsai states that night-time simulations required some corrections to better reflect light impacts.[149] It is unclear if these changes were made, however it does not appear they were corrected based on observation of the lights in Exhibit 9-34.

[149] "Night-time simulations from views in which project lighting is visible may be revised to include more blooming and increased brightness of the proposed light sources to match the baseline condition of the existing photo and existing light sources." (Field of Vision, March 5, 2015; in project record).

4) *Reflection from snow:*

The DEIR fails to evaluate the potential impacts of reflection of light by snow, which is more reflective than bare ground. This will potentially increase the impacts to night sky during the winter months.

The EIR must analyze the increased impacts to night sky and skyglow from reflection by snow during the winter months.

5) *Proposed demonstration to help assess Night Sky Impacts:*

Just as balloons and flag poles are used to evaluate visibility of sights during daytime hours (in fact, balloons were used in the Welsh Hagan Associations scenic assessment cited by the DEIR), there are methods available to assess the potential nighttime impacts as well. We propose that, in consultation with extensive stakeholders, light sources be temporarily located on the ridgelines where development is proposed. Large light systems could be trucked in due to the existence of logging roads in the area. Lights could be set up to represent proposed building structures as well as headlights. Further, this assessment should be performed *after* the area has been thinned for forest health/defensible space purposes to account for the removal of vegetative screening. With these lights in place, views from multiple other locations around the Lake Tahoe Basin could be assessed. This would also benefit the assessment of impacts to skyglow from all regional areas and night sky impacts to the Martis Valley side as well.

A revised scenic assessment of night sky impacts is needed. This should include the temporary location of light sources to assess impacts, as noted above. This information should then be included in a revised DEIR.

O. Revise project layout to locate development below ridgeline:

As recommended in our comments on the NOP,[150] the DEIR should examine an alternative which does not place development on or along the ridgeline. This alternative would locate buildings so that the highest point of the structure is lower than the ground-level elevation of the ridgeline. This would ensure no scenic impacts occur from the Lake Tahoe Basin, reduce scenic impacts from the Martis Valley side, and reduce night sky impacts. This is not a novel or unique concept – other areas have adopted ridgeline protections which prohibit or limit development on ridgelines.[151] Further,

[150] "In order to allow for informed decision-making and the ability to assess the positive and negative effects of each alternative, the DEIR/S alternatives must include:…Project on West Parcel excluding any ridgeline development (new buildings cannot exceed height of ridgeline so as to not be viewable from any location in the Lake Tahoe Basin);…" (FOWS Additional NOP comments, p. 5).

[151] For example, Marin County's Code states: "2. Development near ridgelines. No construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available on the site or the

we note that the Lake Tahoe Basin is subject to additional protections (see TRPA Compact[152]) when compared to other areas; that developments would be allowed on Tahoe's iconic ridgelines while other places protect them makes little sense.

P. <u>Additional mitigation options:</u>

The EIR needs to examine additional mitigation measures that are available to reduce scenic impacts of the project, including but not limited to:

- Reducing the number or revising the locations of the structures to mitigate night sky impacts as viewed from the Lake Tahoe Basin;
- Reducing the number of units;
- Removing lighting;
- Reducing road widths where impacts include opening up view corridors where headlights and street lamps will be more viewable;
- Reducing the size and lighting of commercial facilities; and
- Removing or relocating buildings that extend above the trees as viewed from adjacent areas in the Basin of similar or greater elevation.

14. Wildfire

The NOP comment letter by FOWS noted the DEIR must assess the dangers associated with placing development and a "substantial number of people"[153] on a ridgeline in an area classified as having a "very high" severity of fire by CALFIRE. (MVWPSP Initial Study, p. 14). In addition, the ridge location is prone to high winds, plus the topography increases the danger from wildfires, which tend to burn *up hill*. FOWS' comments also stated that the DEIR must examine the location and conditions of the evacuation routes that will be available in the event of a wildfire and the likelihood people could evacuate in time, recognizing that with this ridgeline development, fire danger comes from every direction around the project and fires can move quickly.

Chapter 18 discusses wildland fire hazards, noting that Caltrans has classified the project area as a "Very High" Fire Hazard Severity Zone.[154] The DEIR's significance criteria include whether the project will: *"…impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan; [and] expose*

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lot is located substantially within the ridgeline area as defined herein. If structures must be placed within this restricted area because of site constraints or because siting the development outside of the ridgeline area will result in greater visual or environmental impacts, they shall be in locations that are the least visible from adjacent properties and view corridors." Section 22.16.030.F.2. https://www.municode.com/library/ca/marin_county/codes/code_of_ordinances?nodeId=TIT22DECO

[152] http://www.trpa.org/bi-state-compact/

[153] In addition, the project would result in the placement of housing and other structures that would contain substantial numbers of people in a wildland area, thereby potentially exposing people and structures to a risk of wildland fire. (p. 15)

[154] "According to CAL FIRE's Fire Resource Assessment Program FHSZ Geographic Information System data, the West Parcel is located within a Very High FHSZ and the East Parcel is within Very High and High FHSZs (see Exhibit 18-1)." (DEIR, p. 18-2).

people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands…" (DEIR, p. 18-13). However, defying all logic, the DEIR concludes both impacts to be less than significant.

A. <u>Impacts to Emergency Evacuation Plans:</u>

Emergency evacuation plans may be impacted by the addition of a new intersection with SR 267. The proposed project has stated it will add approximately 1,900 people to the area. During an emergency, where peak visitation exists, this may represent an additional 950 vehicles or more (based on a rough assumption of two people/vehicle) attempting to evacuate *at the same* time as 1,000's of other people in the case of evacuations from North Lake Tahoe and/or Northstar. There is no discussion of timing, and what the transportation delay may be from adding this project. Adding even seconds of delay could literally mean the difference between life and death. The DEIR's conclusion appears to be based on the availability of roads[155] rather than the *conditions* on those roadways during an emergency, as well as the purported conclusion that the project will only add an "incremental increase" in traffic,[156] although the DEIR concludes **significant and unavoidable** impacts on traffic operations.[157] The assessment also fails to account for the delays that could occur from traveling emergency vehicles, vehicle collisions that may occur at the (additional) intersections, and other events which are likely to occur during an emergency situation.

The EIR needs to examine the specific impacts that the project may have on evacuation. This includes a detailed assessment of the available routes, the forecasted congestion level on those routes, the cumulative impacts with other locations that may also be evacuated, and the impacts associated with delays that may be caused by emergency vehicle access, vehicle collisions, and driver behavior during an evacuation.

B. <u>Impacts from exposure of people and property to wildfire hazards:</u>

The DEIR concludes the exposure of people and property to wildfire hazards is a less-than-significant impact, apparently based on funding additional fire personnel.[158] As noted during public comments at the 11/19/2015 Placer County

[155] "While conditions on local roadways and SR 267 during an emergency evacuation could be congested, no known element of the proposed project or cumulative projects would prevent or impede evacuation, or result in physical interference with an evacuation plan such that evacuation could not occur." (DEIR, p. 18-23).

[156] Because the project would develop an emergency evacuation plan as part of the FPP, provide adequate emergency vehicle access and points of ingress and egress in a manner that meets NFD requirements (Shadowens, pers. comm., 2015a), and result in operational traffic that, at buildout, would represent an incremental increase insufficient to interfere with the SR 267 Emergency Evacuation Plan, the project's impact relative to emergency evacuation is less than significant. (DEIR, p. 18-20).

[157] Project-related and cumulative impacts to intersection operations and roadway sections are significant and unavoidable and/or cumulative considerable (see DEIR, Chapter 10).

[158] "Significance after Mitigation

Planning Commission hearing, adding more fire personnel does not mitigate this danger. Fire trucks and personnel can only do so much when a fast-moving and often wind-driven fire breaks out. This also fails to consider the danger posed to fire personnel charged with fighting such wildfires. It is irresponsible to ignore the consequence where this project will place more fire personnel in danger of losing their own lives in order to protect the proposed development. Further, residents and guests of the MVWPSP area will be located in an area classified as posing a "Very High" Fire Hazard Severity Zone. If there were ways to mitigate the danger this poses to people and property, California would not continue to experience the loss of 1000's of homes, numerous lives (including citizens and firefighters), and substantial property during wildfire events. Clearly, fighting wildfires and protecting people and property is not as simple as having more firefighters or water trucks. In order to sufficiently evaluate and disclose the threats from wildfire, the EIR must document the historical, existing, and anticipated wildfire impacts, and assess how fire personnel were able to (or not able to) protect lives and property in other recent large fires in northern California in order to assess whether increasing fire personnel can actually mitigate this impact.

The DEIR also fails to assess the increased potential for wildfire in the area due to decades of fire suppression and the impacts of climate change and drought. It is well documented that wildfire threats are increasing. Further, these factors have led to more "megafires" which burn at high speeds and intensities and are impossible to control under extreme weather conditions.[159,160] The threats to the project area from wildfire are substantial, and only anticipated to increase with time.

The EIR must fully disclose the consequences of placing this development in a "Very High" Fire Hazard Severity Zone. The EIR must also evaluate the history and anticipated future wildfire threats to the area. Available evidence suggests this is a significant impact which cannot be mitigated.

Implementation of Mitigation Measure 18-4 would reduce the potential exposure to wildfire hazard to a less-than-significant level because, in addition to compliance with fire protection regulations, the project proponent would provide funding to supplement the projected fire mitigation fees needed to secure adequate firefighting personnel, implementation of which would reduce the potential for loss of life, property, and resources caused by wildfire in the proposed MVWPSP West Parcel development area." (DEIR, p. 18-21).

[159] North, M. P. 2002. The Teakettle Experiment. Gen. Tech. Rep. PSW-GTR-183. Albany, California: U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station;
North, M., Oakley, B., Chen, J., Erickson, H., Grey, A., Izzo, A., Johnson, D., Ma, S., Marra, J., Meyer, M., Purcell, K., Rambo, T., Rizzo, D., Roath, B., and Schowalter, T. 2002. Vegetation and ecological characteristics of mixed-conifer and red fire forests at the Teakettle Experimental Forest. Gen. Tech. Rep.;
Taylor, A. H. 2002. Identifying forest reference conditions on early cut-over lands, Lake Tahoe Basin, USA; Ecological Applications 14(6): 1903-1920. PSW-GTR-180. Albany, California: U. S. Department of Agriculture, Forest Service, Pacific Southwest Research Station.

[160] Miller, J. D., Safford, H. D., Crimmins, M., and Thode, A. E. 2009. Quantitative evidence for increasing forest fire severity in the Sierra Nevada and Southern Cascade mountains, California and Nevada, USA. Ecosystems 12:16–32.

15. GHG analysis:

A. Approach to analysis:

Although the project will result in significant increases in VMT,[161] the DEIR concludes no significant impacts to GHGs based on an inappropriate analysis method. The DEIR relies on the same approach to analysis as was used in the Village at Squaw Valley DEIR (July 2015),[162] which involves a hypothetical "business-as-usual" baseline for comparison. This "baseline" makes little sense because it dismisses emission reductions that *will* occur as a result of approved California regulations. CEQA requires that a project's GHG emissions be compared to the *existing conditions*, as acknowledged by the DEIR. [163] As noted in Sierra Watch's comments on the VSVSP DEIR, comparing future scenarios to California's AB 32 Scoping Plan does not negate CEQA's requirement to analyze a project's GHG impacts when compared to existing baseline conditions.

In fact, the California Natural Resources Agency released a Final Statement of Reasons[164] which aims to clarify how project impacts should be evaluated:

> "This section's reference to the existing environmental setting reflects existing law requiring that impacts be compared to the environment as it currently exists. (State CEQA Guidelines, § 15125.) This clarification is necessary to avoid a comparison of the project against a ―business as usual scenario as defined by ARB in the Scoping Plan. Such an approach would confuse ―business as usual projections used in ARB's Scoping Plan with CEQA's separate requirement of analyzing project effects in comparison to the environmental baseline. (*Compare* Scoping Plan, at p. 9 (The foundation of the Proposed Scoping Plan's strategy is a set of measures that will cut greenhouse gas emissions by nearly 30 percent by the year 2020 as compared to business as usual) *with Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1278 (existing environmental conditions normally constitute the baseline for environmental analysis); see also *Center for Bio. Diversity v. City of Desert Hot Springs*, Riverside Sup. Ct. Case No. RIC464585 (August 6, 2008) (rejecting argument that a large subdivision project would have a ―beneficial impact on CO2 emissions‖ because the homes would be more energy efficient and located near relatively uncongested freeways).) Business as usual may be relevant, however, in the discussion of the no project alternative in an EIR. (State CEQA Guidelines, § 15126.6(e)(2) (no project alternative should describe what would reasonably be expected to occur in the future in the absence of the project).) (California Natural Resources Agency Final Statement of Reasons for regulatory action.**"** [Emphasis added].

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[161] As found in Appendix K, p. 9-10.

[162] http://www.placer.ca.gov/~/media/cdr/ecs/eir/vsvsp/comments%20on%20deir/sierra%20watch/smw%20letter%20to%20m%20krach%20re%20village%20at%20squaw%20specific%20plan%20deir%2007162015.pdf?la=en

[163] "Determine Significance…When assessing a project's GHG emissions, lead agencies must describe the existing environmental conditions or setting, without the project, which normally constitutes the baseline physical conditions for determining whether a project's impacts are significant." (DEIR, p. 12-7). [Emphasis added].

[164] Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97. 2009. P. 24-25. www.resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf

Because the same approach to the GHG analysis was used in the VSVSP DEIR, and comments submitted by the law firm of Shute, Mihaly and Weinberger (on behalf of Sierra Watch)[165] comprehensively identify the problems with this approach, we hereby incorporate those comments and apply the same critiques to the MVWPSP DEIR. Comments are as follows:

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As discussed above, the DEIR errs by not conducting a project-specific HRA. In addition, as the City of San Jose HRA makes clear, there are pollutants other than PM_{10} that affect public health. Diesel particulate matter and $PM_{2.5}$ emissions must also be taken into account when analyzing a project's health risk. The revised EIR must include a project-specific HRA and a second cumulative HRA that takes into account emissions from construction of the PlumpJack project.

6. The DEIR Fails to Adequately Evaluate the Project's Contribution to Climate Change.

The DEIR's analysis of greenhouse gas ("GHG") emissions attributable to the Project is likewise deficient. The document's conclusion that the Project—which consists of construction of a massive four season resort of 900 units and nearly 300,000 square feet of commercial development with estimated emissions of 45,403 metric tons of carbon dioxide ("CO2") each year—would not have significant GHG-related impacts in 2020 is astonishing. By any rational measure, the Project would have a significant impact related to climate change, even in its initial phases. The DEIR concludes otherwise only because it relies on an inappropriate way to measure the significance of the Project's impacts, underestimates the Project's GHG emissions, ignores that the Project conflicts with various relevant GHG-reduction policies, and uses other flawed analyses. Because the DEIR concludes that the Project would not have a significant climate-related impact in 2020, it fails to adopt feasible mitigation for the crucial first phase of development. The DEIR's proposed mitigation for after 2020 is likewise deficient. Because the Project's impact would be significant, the DEIR must identify and include adequate mitigation measures to reduce or avoid the Project's contribution to global warming.

(a) The DEIR's Significance Threshold for Measuring GHG Emissions Is Flawed, and the County Misapplies the Threshold in Any Event.

(i) The DEIR's Use of a "Business As Usual" or "No Action Taken" Approach to Determine Significance of GHG Impacts Is Inappropriate.

Determining whether or not a project may result in a significant adverse environmental effect is a key aspect of CEQA. CEQA Guidelines § 15064(a) (determination of significant effects "plays a critical role in the CEQA process"). Under CEQA, agencies use thresholds of significance as a tool for judging the significance of a

SHUTE, MIHALY & WEINBERGER LLP

165 http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/villageatsquawvalley/draft%20eir

Project's impacts. CEQA Guidelines §§ 15064.4, 15064.7. The first major problem with the DEIR's climate change analysis is that it uses as its sole approach to measuring the significance of the Project's climate change impacts a method that has been soundly rejected as inappropriate by the California Supreme Court, Attorney General, and numerous others. Specifically, the DEIR does not measure the significance of the Project's GHG emissions by comparing them to existing conditions, as CEQA generally requires. *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439. Rather, it compares the Project's emissions to the emissions that would be emitted under a hypothetical future scenario in which the Project existed, but where no regulations were in place to reduce GHG emissions. In essence, it compares the Project's emissions to a future, hypothetical "business as usual" ("BAU") or "no action taken" ("NAT") baseline to find that climate change impacts would not be significant. DEIR at 16-14, 16-17.

This method of analysis is contrary to CEQA's requirements. In evaluating project impacts, courts have repeatedly held that agencies should normally analyze a project's impacts by comparing them to actual existing conditions, not hypothetical conditions that may minimize the project's apparent impacts and allow the agency to avoid analysis and mitigation. *See, e.g.*, *Woodward Park Homeowners Ass'n., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 691 ("hypothetical office park was a legally incorrect baseline [against which to measure significance] which resulted in a misleading report of the project's impacts."); *Env't'l Planning & Info. Council* 131 Cal. App.3d at 350 (EIR for area plan invalid because impacts were compared to existing general plan rather than to existing environment).

The California Supreme Court recently reaffirmed this longstanding principle in *Neighbors for Smart Rail,* 57 Cal.4th at 457, where it held that, "while an agency preparing an EIR does have discretion to omit an analysis of the project's significant impacts on existing environmental conditions and substitute a baseline consisting of environmental conditions projected to exist in the future, the agency must justify its decision by showing an existing conditions analysis would be misleading or without informational value." The DEIR preparers have not even attempted to show how it would be misleading or without informational value to compare the Project's GHG emissions against existing on-site emissions in order to determine the significance of those emissions. Accordingly, the DEIR's failure to compare Project GHG emissions to actual, existing conditions, and its use of a hypothetical, future baseline against which to measure Project impacts, violates CEQA.

The California Office of the State Attorney General has also criticized the use of a BAU approach to measure GHG impacts. As the Attorney General recently clarified, evaluating GHG impacts based on purported reductions from "business as usual" "will not withstand legal scrutiny and may result in significant lost opportunities for . . . local governments to require mitigation of greenhouse gas (GHG) emissions)." Exhibit 18 (Letter from Attorney General to San Joaquin Valley Air Pollution Control District re: Final Draft Staff Report on Greenhouse Gas Emissions Under CEQA (Nov. 4, 2009)). Likewise, the California Resources Agency has updated the CEQA Guidelines by adopting recommendations on how agencies may analyze the significance of a project's GHG emissions. One of the factors for determining the significance of Project GHG impacts in the Guidelines is whether the project "may increase or reduce greenhouse gas emissions compared to the *existing environmental setting*." Guideline § 15064.4(b)(1) (emphasis added). As set forth in the Final Statement of Reasons for Regulatory Action on the Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97:

> This section's reference to the 'existing environmental setting' reflects existing law requiring that impacts be compared to the environment as it currently exists. This clarification is necessary to avoid a comparison of the project against a 'business as usual' scenario as defined by ARB in the Scoping Plan. Such an approach would confuse 'business as usual' projections used in ARB's Scoping Plan with CEQA's separate requirement of analyzing project effects in comparison to the environmental baseline.

Exhibit 19 at pp. 24-25 (Final Statement of Reasons) (also available at http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf).

It is deeply misleading to measure the significance of Project impacts by comparing the Project to a hypothetical "what if" scenario rather than to existing conditions. For example, the DEIR sets out a hypothetical BAU scenario in which the Project is built but no statewide regulations and laws regarding GHG emission reductions have gone into effect. DEIR at 16-17. Then, the DEIR calculates the Project's emissions by giving the Project credit for reducing emissions based on the Project's compliance with preexisting requirements of law such as the low carbon fuel standard, renewable electricity standard, building efficiency standards and other measures. *Id.* at 16-14, 16-17. The DEIR then compares the BAU or NAT scenario to the Project's impacts and,

unsurprisingly, finds that the Project would have fewer emissions than the artificially inflated BAU scenario.

Because the Project would have to comply with existing GHG-related laws and regulations anyway (including CEQA's requirement for mitigation), it is misleading for the DEIR to state that the Project would cause a 25% reduction in GHG emissions due to particular Project features, when in fact these features are required anyway. Likewise, it is misleading and inappropriate to compare the Project emissions against an artificially inflated baseline of alleged BAU or NAT conditions. Courts have recognized that comparing project impacts to such an artificially inflated baseline results in "illusory comparisons that can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts, a result at direct odds with CEQA's intent." *Communities for a Better Env't v. South Coast Air Quality Management Dist.* (2010) 48 Cal. 4th 310, 322. A proper comparison in year 2020 would be to the Project site as it currently exists. Guidelines §§ 15126.2(a), 15064.4(b)(1).

An accurate comparison with existing conditions is particularly important with regard to climate change because existing conditions are such that we have already exceeded the capacity of the atmosphere to absorb additional GHG emissions without risking catastrophic and irreversible consequences. Therefore, even seemingly small additions of GHG emissions into the atmosphere must be considered cumulatively considerable. *See Communities for Better Env't v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120 ("the greater the existing environmental problems are, the lower the threshold for treating a project's contribution to cumulative impacts as significant."); *see also Center for Biological Diversity v. National Highway Traffic Safety Administration*, 508 F.3d 508, 550 (9th Cir. 2007) ("we cannot afford to ignore even modest contributions to global warming."). The County may not ignore the Project's contribution to climate change simply by choosing an inappropriate BAU/NAT threshold.

The DEIR claims it is relying on a so-called two-tiered threshold standard set by the Placer County Air Pollution Control District ("PCAPD") to reach its finding of no significance for 2020. *See* DEIR at pp. 16-9, 16-15. However, that GHG threshold, which was developed in collaboration with the Sacramento Metropolitan Air Quality Management District ("SMAQMD") and is set forth in SMAQMD's CEQA Guide, says nothing about a two-tiered standard. Rather, it recommends a bright line operational threshold of significance of 1,100 metric tons of CO2 per year, which the Project far exceeds with its anticipated emissions of 45,403 metric tons of CO2 per year. Exhibit 20 at pp. 6-10 (SMAQMD CEQA Guide (November 2014)); DEIR at 16-16. It's not clear if the Project's projected operational emissions include the current Squaw Valley

emissions, or are in addition to them. However, even when compared against the baseline of 13,765 metric tons of CO2 per year (*see* DEIR at 16-3), the Project would still add 31,638 metric tons of CO2 per year into the atmosphere, which far exceeds the significance threshold.

Even if the DEIR could legitimately use the BAU/NAT threshold (which as explained, it cannot), the DEIR is still required to consider this evidence that the Project may cause a significant GHG-related impact. *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 ("in preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met"). For example, in a November 2013 EIR prepared for the Northstar Mountain Master Plan, the County found that the project at issue there—which would generate only *one quarter* of the annual CO2 emissions of the present Project—would result in a significant impact on global climate change and required mitigation. Exhibit 21 at pp. 16-20 to 16-21 (Northstar Mountain Master Plan EIR, Chapter 16). The problem of climate change has not been solved in the last year and a half. Therefore, there is no logical rationale why the current Project would not similarly have significant GHG emissions in 2020 requiring mitigation. The County may not hide behind a self-serving threshold and fabricated baseline to avoid this significant impact.

(ii) Even If the County Could Use a "Business As Usual" Approach, the DEIR Misapplies the Approach.

Even if BAU were a legitimate means for determining significance, which it is not, there is no evidence supporting the DEIR's assumption that new development that is 21.7% below BAU will help achieve California's emission reduction objectives. The DEIR's significance determination mistakenly presumes, without any support, that emission reduction expectations are the same for existing and new sources of emissions to meet AB 32 targets. However, the Scoping Plan is silent as to the obligation of new development to mitigate GHG emissions under CEQA. Contrary to the DEIR's naked assumptions, as opportunities for reducing emissions from the built environment are more limited and present greater challenges, expectations for minimizing emissions from new development, through energy efficiency, renewables, increased density, mixed use and siting close to transit, should be greater than that of existing development, where emission reduction opportunities may be more constrained.

As recognized by the California Air Pollution Control Officers Association ("CAPCOA") in its CEQA & Climate Change White Paper, "greater reductions can be achieved at lower cost from new projects than can be achieved from existing sources." Exhibit 22 at p. 33 (CAPCOA, CEQA & Climate Change).[6] Similarly, as one of its reasons for finding that a proposed 29% below BAU threshold of significance "will not withstand legal scrutiny," the Attorney General noted that "it seems that new development must be more GHG efficient than this average, given that past and current sources of emissions, which are substantially less efficient than this average, will continue to exist and emit." Exhibit 18 at 3. The DEIR even further skews the results by making unfounded assumptions about GHG emissions in its hypothetical scenario. For example, in the hypothetical 2020 build-out scenario, the DEIR assumes annual construction emissions at a rate amortized over 40 years. DEIR at 16-17. If the Project is completed by 2020, construction emissions should only be amortized over a maximum four year period.

Accordingly, there is no scientific or factual basis supporting the DEIR's unsubstantiated opinion that new development that is 21.7% below a hypothetical BAU baseline will not interfere with California's near-term emission reduction objectives. *See* Pub. Res. Code § 21082.2(c) ("[a]rgument, speculation, unsubstantiated opinion or narrative, [and] evidence which is clearly inaccurate or erroneous" does not constitute substantial evidence); *see also Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal. App. 4th 1, 17 ("[C]onclusory statements do not fit the CEQA bill."). By simply assuming that AB 32 emission reduction targets would be achieved because Project emissions are purportedly 25.3% below a hypothetical "business as usual," the EIR's significance criteria does not reflect "careful judgment . . . based to the extent possible on scientific and factual data." Guidelines § 15064(b).

While it is important to assess the Project's consistency with the goals of AB 32, to reduce statewide GHG emissions to 1990 levels by 2020 through maximum economically and technologically feasible measures without limiting economic growth (*see* Health & Saf. Code §§ 38501, 38550), the BAU approach is inappropriate for a proposed new development project. *See* CEQA Guidelines § 15064.4(b)(3)). Instead, the

[6] As explained on its website, CAPCOA "is a non-profit association of the air pollution control officers from all 35 local air quality agencies throughout California. CAPCOA was formed in 1976 to promote clean air and to provide a forum for sharing of knowledge, experience, and information among the air quality regulatory agencies around the State."

EIR should compare the Project's projected emissions in 2020 with those in the Project area in 1990. *See* Exhibit 24 at 4.8-25 (SANDAG EIR taking this approach). If the projected emissions would exceed those in the Project area, this should be considered a significant impact. *See id.*

(b) The DEIR Fails to Properly Analyze Whether the Project Conflicts with Applicable Plans for GHG Reduction.

The DEIR recognizes CEQA's mandate to evaluate whether the Project complies or conflicts with applicable plans and policies for GHG reduction. DEIR at 16-8 (citing CEQA Guidelines § 15064.4(b)(3)); *see also* Exhibit 23; Exhibit 20 at pp. 6-10. However, the DEIR fails to conduct the requisite analysis. Rather, it dubs the Project's GHG impacts after 2020 as "potentially significant" and largely defers analysis to a later date. This approach is unacceptable. In addition to properly analyzing consistency with the reduction goals set under AB 32 as described above, the DEIR must analyze the Project's consistency with the following plans and policies for GHG reduction:

- Sacramento Council of Government's ("SACOG") Metropolitan Transportation Plan/Sustainable Communities Strategy ("MTP/SCS")
- Executive Order S-3-05
- Executive Order B-30-15

(i) The Metropolitan Transportation Plan/Sustainable Communities Strategy

SACOG's MTP/SCS is an applicable plan for GHG reduction, and thus the DEIR must analyze the Project's consistency with this plan. The MTP/SCS was adopted to comply with the requirements of SB 375 and covers the Project area. SB 375 sets regional reduction targets for 2020 and 2035, both of which would occur prior to full build-out of the Project. Furthermore, SMAQMD's CEQA Guide specifically identifies the MTP/SCS as an applicable plan that should be analyzed in a CEQA analysis for a project. Exhibit 20 at pp. 6-10.

The DEIR recognizes the existence of the MTP/SCS and its target of 9 percent per capita reduction in vehicle emissions by 2020 and 16 percent per capita reduction by 2035, as compared to 2012 emissions. DEIR at 16-18. However, the DEIR claims "this

target cannot be directly translated into an overall threshold, given it is geared toward GHG emissions from transportation only." *Id.* This is no reason not to address the Project's consistency with the MTP/SCS. To begin, the DEIR could conservatively assume that the per capita reduction targets should apply to the Project as a whole, and determine whether the Project would meet these goals in 2020 and 2035. It is clear that the Project would not. Further, even if the DEIR focused on transportation-related GHG emissions, the analysis would be useful, as the DEIR estimates that vehicle trips account for 14,241 metric tons of the Project's annual CO2 emissions, or over 31% of the Project's total GHG emissions. This total is greatly underestimated (see discussion *infra*), but even so demonstrates the value in analyzing the necessary reduction in transportation emissions. Thus, the DEIR can and should analyze the Project's consistency with the thresholds set in the MTP/SCS.

Additionally, the DEIR should analyze the Project's inconsistency with the MTP/SCS's plan for growth. As the DEIR acknowledges, the Project area is shown in the SCS as "Lands Not Identified for Development." DEIR at 16-18. However, the DEIR fails to recognize this inconsistency as a significant impact. The MTP/SCS sets forth a regional plan for growth in order to meet its SB 375 GHG reduction targets. If the area grows in a way that is inconsistent with this Plan, such as if the County approves the proposed Project, the region may no longer be able to meet the targets. This would be a significant impact under CEQA. *See* CEQA Guidelines § 15064.4(b)(3); CEQA Guidelines Appendix G. The DEIR must provide the requisite analysis and mitigation for this potentially significant impact.

(ii) Executive Orders S-3-05 and B-30-15

Executive Order ("EO") S-3-05 also sets forth state policy related to GHG reduction, including that it is the policy of the state to reduce GHG emissions to 80% below 1990 levels by 2050. EO B-30-15, signed by the Governor in 2015, establishes a new interim target to reduce GHG emissions by 40 percent below 1990 levels by 2030. The DEIR acknowledges EO S-3-05, but never analyzes the Project's consistency with EO S-3-05, and does not mention EO B-30-15.

The DEIR claims it would be "speculative" to analyze consistency with long term goals. DEIR at 16-18. Yet, other agencies have been readily able to utilize the Executive Orders as thresholds of significance for long-term projects. For example, likely in response to a Court of Appeal decision on the subject, the San Diego Association of Governments ("SANDAG") utilized the following threshold of significance in the EIR for its most recent Regional Transportation Plan/Sustainable Communities Strategy:

"GHG-4: Be inconsistent with the State's ability to achieve the Executive Order B-30-15 and S-3-05 goals of reducing California's GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050." Exhibit 24 at pp. 4.8-33; *see Cleveland National Forest Foundation v. SANDAG* (November 24, 2014) 180 Cal.Rptr.3d 548 (Review Granted, 343 P.3d 903).

The SANDAG RTP/SCS EIR evaluated the project's impacts by calculating a 40 percent and 80 percent reduction from the region's 1990 emissions and utilizing that as a target reference point for the RTP. It then compared the region's expected GHG emissions in the years 2035 and 2050 to the emissions that would be necessary to meet the EO trajectories. It included charts showing that the Plan will not come close to meeting the EO goals. It concluded: "Because the total emissions in the San Diego region of 25.5 MMT CO_2e in 2035 would exceed the regional 2035 GHG reduction reference point of 14.5 MMT CO_2e (which is based on EO-B-30-15 and EO-S-3-05), the proposed Plan's 2035 GHG emissions would be inconsistent with state's ability to achieve the Executive Orders' GHG reduction goals. Therefore, this impact (GHG-4) in the year 2035 is significant." Exhibit 24 at pp. 4.8-34. It has a similar conclusion for the year 2050 goal. This analysis is easily adaptable to the proposed Project's emissions.

The DEIR's failure to compare the Project's emissions—which would continue for decades if not in perpetuity—against long-term GHG emission reduction policies such as those in EO S-3-05 and B-30-15 is unlawful. While the DEIR recognizes it will likely be unable to meet future targets, it should not defer analysis and mitigation until a later date. The County has access to state-wide reduction goals, which reflect the levels that climate scientists have concluded are needed to provide a 50-50 chance of limiting global average temperature rise to 2°C above pre-industrial levels. The DEIR should reveal the severity of the impacts of adopting a long-term development plan that contravenes these reduction goals. In other words, the public should understand just how far the Project would set the area off course from state-wide reduction goals.

(c) The DEIR Underestimates the Project's GHG Emissions.

As described in the comments on the DEIR's traffic analysis (*see* supra/infra, Section I.B.4), as well as in the MRO Engineers' Report, the DEIR does not accurately analyze the Project's transportation impacts. It substantially underestimates the number of trips that would be generated by the Project because it relies on an incorrect methodology used to calculate trips that would be generated by the retail uses on the East Parcel, from the Project's condo hotel uses, and from the Mountain Adventure Camp.

The DEIR also substantially underestimates the Project's increase in vehicle miles travelled ("VMT"). As the MRO Report explains, inaccurate trip generation figures necessarily result in inaccurate VMT estimates. The DEIR also appears to use unreasonably short trip lengths in its calculation of VMT. In addition, it appears that the DEIR only included VMT from the Project's summer and winter trips, ignoring entirely the VMT that would be generated in spring and fall. DEIR at 10-15. *See* Exhibit 4. Because the DEIR underestimates vehicular trips and VMT, it also underestimates the Project's transportation-related GHG emissions.

Finally, we can find no indication that the GHG emissions inventory includes emissions from air travel. Inasmuch as the applicant intends to ensure that Squaw Valley becomes a "world class" resort, it is likely that some percentage of visitors would arrive via air. The EIR must account for the emissions associated with this air travel.

The County must revise its GHG analysis to include an accurate and thorough accounting of the Project's GHG emissions.

(d) The DEIR Fails to Analyze and Adopt All Feasible Mitigation.

Because the DEIR concludes that the Project's GHG-related impacts will be less than significant in 2020, the DEIR does not recommend any immediate mitigation measures related to GHG impacts. Further, the DEIR punts on the issue of mitigation after 2020, finding it will only be necessary if a "comparison between No Action Taken and the subdivision as proposed scenarios" reveals that the Project does not achieve or exceed reduction targets. DEIR at 16-19. However, if the DEIR had utilized the proper thresholds as discussed above, it would demonstrate that the Project's actual GHG emissions would cause a significant impact throughout the life of the Project, which should be mitigated in conjunction with Project approval. *See* Exhibit 20 at p. 6-10 (SMAQMD's CEQA Guide stating, "[f]or projects that exceed the District's threshold of significance, lead agencies shall implement all feasible mitigation to reduce GHG emissions."). An agency may not defer mitigation except under specific circumstances not present here. Guidelines § 15126.4(a)(1)(B). Even if the DEIR could defer mitigation (which it can't), the standard for future mitigation is not supportable because it uses the same flawed BAU approach as described above.

The County can and should adopt all feasible mitigation for the Project's known and significant GHG impacts at the time of Project approval (if the Project is approved). The DEIR sets forth several mitigation measures, including making GHG policies in the

Specific Plan mandatory rather than "encouraged" or otherwise optional. *See* DEIR at 16-19. The DEIR provides no rationale why this mitigation could not be adopted if/when the Project is approved, and there is none.

In addition, numerous agencies and organizations have documented other types of mitigation that are appropriate and feasible for residential and commercial development projects. The County should adopt all feasible mitigation to reduce the Project's true GHG impacts. As just a few examples, the EIR should evaluate the following additional measures for the Project:

- Use low or zero-emission vehicles, including construction vehicles.
- Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation.
- Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations
- Provide zero emission shuttle service to public transit and Project buildings/amenities.
- Provide public transit incentives such as free or low-cost monthly transit passes.
- Provide information on energy management services for large energy users.
- Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.
- Limit the hours of operation of outdoor lighting.

- Provide education on energy efficiency.
- Reduce the use of pavement and impermeable surfaces;

There are additional guidance documents that provide a full suite of GHG mitigation measures. The County must review and consider all of the measures listed in these documents in a recirculated EIR, and it must adopt all feasible measures in order to reduce the Project's impacts to a level below significance, or as much as feasible:

- Governor's Office of Planning and Research. 2008. Technical Advisory. CEQA AND CLIMATE CHANGE: Addressing Climate Change through California Environmental Quality Act (CEQA) Review. See Attachment 3, "Examples of GHG Reduction Measures." Available: http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf.
- California Air Pollution Control Officers Association (CAPCOA). 2008 (January). CEQA & Climate Change. Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. See page 79, "Mitigation Strategies for GHG." Available: http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf.
- California Air Pollution Control Officers Association (CAPCOA). 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reduction from Greenhouse Gas Mitigation Measures. Available: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.
- Attorney General of the State of California. 2008 (December). The California Environmental Quality Act. Addressing Global Warming Impacts at the Local Agency Level. Available: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.

These documents, in addition to lists of mitigation measures and design features maintained by other organizations cover a wide range of topics, including (1) land use, urban design, transportation measures; (2) shade and sequestration, including using trees to shade buildings; (3) energy conservation; (4) water Conservation; and (5) carbon offset credits. The County must consider all of these types of mitigation measures for the Project's significant GHG impacts.

Finally, when the County revises and recirculates the DEIR's GHG impacts analysis, the revised document must also include a full comparison of the Project's GHG-related impacts to the same impacts of the alternatives. When it does so, the County may be inclined to adopt an alternative with far less GHG emissions. This could have numerous benefits, including maintaining the character and values of this bucolic mountain community, reduced VMT (and concomitant reductions in not only GHG emissions, but also other air pollutant emissions), preservation of wildlife habitat, and less traffic on local and regional roads.

(e) The DEIR Fails to Adequately Examine the Effects of Climate Change on the Project.

The DEIR notes that climate science predicts a 25 to 40% decrease in snowpack in the Sierras by 2050 (not too long after anticipated Project buildout). DEIR at 16-2. *See also* Natural Resources Defense Council, *California Snowpack and the Drought Fact Sheet*, April 2014, attached as Exhibit 25. This could have drastic impacts for a residential and commercial development Project, the main objective of which is to be a world class ski resort. *Id.* at p. 3-7. Yet, the DEIR finds that there would be no significant impacts from climate change on the Project. There are several potential impacts that the DEIR fails to examine at all.

For example, as explained above regarding the DEIR's failure to adequately evaluate the Project's water supply and quality impacts, the DEIR and WSA fail to adequately account for the impacts of climate change on Squaw Creek and the Olympic Valley Groundwater Basin. As explained in the report from Dr. Tom Myers, climate change can drastically lengthen dry or no-recharge periods, thereby affecting the water supply of the aquifer, as well as Squaw Creek and wetlands in the area.

Further, the DEIR fails to acknowledge that if snowpack decreases by the anticipated amount, in order to maintain a viable ski operation, Squaw Valley would need to make much more of its own snow. Snow making requires energy and hence more potential GHG impacts. Snow making also requires water, which could result in additional significant water supply impacts. The DEIR must evaluate these issues and determine the extent of the potential environmental impacts from a potential 40% reduction in snow pack.

Reduced snow pack could also ultimately make skiing at Squaw Valley less desirable, and hence the Project less profitable and potentially the Project objectives less achievable. This outcome could affect the range of alternatives to be looked at, as well as

Maywan Krach
July 16, 2015
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the feasibility and desirability of various alternatives already considered. The EIR must take this information into account.

Further, of the impacts from climate change that the DEIR does examine, the document appears to underestimate such impacts. For example, the DEIR claims the addition of one fire station should be enough to combat the increase in wildfires from climate change. However, as discussed below, wildfires are increasing at an alarming rate, particularly in the Sierras. The DEIR provides only the most superficial discussion of emergency response. It never evaluates, for example, a scenario in which a wildfire occurs when Squaw Valley Road is experiencing traffic gridlock, i.e., during the summer. Because this road provides the only access to and from Olympic Valley, this traffic congestion would block emergency access to the Valley and the resort. The DEIR provides no evidence whatsoever that one fire station would be able to handle a catastrophic wildfire affecting this isolated location.

The EIR must analyze and disclose the project's GHG emissions as compared to existing conditions. As VMT impacts will directly impact the project's GHG emissions, the transportation analysis needs to be revised as noted elsewhere, and the updated VMT estimates used to evaluate future GHG emissions. Notably, VMT from the project may by five times higher than reported due to the use of an inappropriate occupancy rate.

Q. Assessment of post-2020 GHG emissions:

The DEIR erroneously dimisses responsibility for assessing post-2020 GHG emissions by stating that as of the writing, no action on pending legislation had been taken.[166] However, in April 2015 Governor Brown signed Executive Order #B-30-15, which called for a reduction in total GHG emissions within California to 40 percent below 1990 levels by 2030. The Executive Order puts the state on track to meet the long-term GHG reduction target of 80 percent below 1990 levels by 2050 as set by Executive Order #S-3-05. In fact, the DEIR acknowledges this Executive Order. [167] This provides a post-2020 significance level that can be examined in the DEIR.

[166] "As described in Section 12.2.2, ARB is working toward recommending goals that extend beyond 2020. Furthermore, Executive Orders B-30-15 and S-3-05 set targets of reducing emissions to 40 and 80 percent below 1990 levels by 2030 and 2050, respectively. New legislation is proposed to establish post-2020 goals, but as of this writing (September 2015), no action on the legislation has been taken." (p. 12-15).
[167] "On April 20, 2015 Governor Edmund G. Brown Jr. signed Executive Order B-30-15 to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. The Governor's executive order aligns California's GHG reduction targets with those of leading international governments such as the 28-nation European Union which adopted the same target in October 2014. California is on track to meet or exceed the current target of reducing GHG emissions to 1990 levels by 2020, as established in the California Global Warming Solutions Act of 2006 (Assembly Bill 32, discussed above). California's new emission reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent below 1990 levels by 2050. This is in line with the scientifically established levels needed in the U.S. to limit global warming below 2 °C, the warming

Second, the DEIR further minimizes responsibility by discussing that the state will need to take additional actions in order to meet these targets.[168] However, this does not negate CEQA's requirement for the EIR to analyze, disclose, and mitigate the GHG emissions from the project. In addition, both California and local planning entities will have to take measures to reduce GHG emissions. It is inappropriate for Placer County to separate itself from this requirement by deferring to California.

Third, the DEIR delays mitigation by stating that future projects will be required to reduce GHG emissions to operate within the targets established at that time.[169] However, as noted previously, this DEIR is likely to be the only comprehensive (and public) review of this project. Given the cumulative nature of GHG emissions, mitigation will likely require plan-level measures. Requiring smaller projects such as the construction of one single family home to mitigate GHG emissions is far less feasible than addressing the necessary mitigations on a regional scale. Further, the DEIR provides no evidence that there are mitigation measures available to reduce GHG emissions to meet the post-2020 requirements.

The DEIR must provide the requisite analysis and mitigation for the potentially significant impact to GHG emissions post-2020. Significance should be determined through comparing emissions to the emission reduction levels required by the Governor's Executive Orders.

16. Mitigation

"CEQA also requires that each public agency avoid or mitigate to less-than-significant levels, wherever feasible, the significant adverse environmental effects of projects it approves or implements." (DEIR, p. 1-1). However, as noted throughout our comments, the DEIR has failed to analyze and/or improperly analyzed numerous impacts including traffic, GHG emissions, and scenic resources. Proposed mitigation measures are inadequate, speculative, or otherwise insufficient to address the project's impacts. In addition, the DEIR also identifies numerous "significant and unavoidable" impacts where additional mitigation measures are available and should be included with the proposed project.

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threshold at which there will likely be major climate disruptions such as super droughts and rising sea levels." (DEIR, p. 12-5).

[168] "It is unlikely that the MVWPSP buildout could meet long-term GHG efficiency aspirations, such as those expressed in Executive Orders B-30-15 and S-3-05 (40 and 80 percent below 1990 GHG levels in 2030 and 2050, respectively) without substantial statewide regulations, such as those that may result in more electric vehicles in the fleet mix, more stringent energy efficiency standards for buildings, and an increase in the generation of renewable electricity." (p. 12-16).[168]

[169] "Mitigation Measure 12-2: Implement ongoing operational greenhouse gas review and reduction program: The state legislature or Governor's Office may establish new GHG targets that apply to the period after 2020, as discussed in the *First Update to the Climate Change Scoping Plan*, released by ARB in May 2014 (and discussed above in Section 12.2.2). Any projects processed by the County after 2020 will be required to reduce, to the extent needed and feasible, GHG emissions such that the project operates within the targets established at the time the project is submitted for approval." (DEIR, p. 12-16).

Recommended additional mitigation options discussed throughout these comments are summarized below:

Transportation:

- As was included in Placer County's EIR for the 2003 MVCP,[170] mitigation could include the reduction in land use quantities in the MVWPSP. This would reduce both LOS and VMT impacts to transportation on a regional and local scale.
- As recommended by Mountain Area Preservation Foundation during the 11/19 Placer County Planning Commissioner hearing, the project could be designed so that project access is only from Highlands Drive, thereby avoiding the additional intersection on SR 267. This will help mitigate LOS impacts to SR 267 as well as potentially reduce the VMT impacts to the Lake Tahoe Basin (as drivers may opt to drive to Truckee for basic amenities such as groceries rather than Kings Beach).

Scenic Resources:

- Reduce the number or revise the locations of the structures to mitigate night sky impacts as viewed from the Lake Tahoe Basin;
- Reduce the number of units;
- Remove lighting;
- Reduce road widths where impacts include opening up view corridors where headlights and street lamps will be more viewable;
- Reduce the size and lighting of commercial facilities;
- Remove buildings that extend above the trees as viewed from adjacent areas in the Basin of similar or greater elevation; and
- Consider the spectrum of lighting and use of the least impactful lighting.

[170] "**MM 4.4.1b** Reduce Land Use Quantities in Martis Valley Community Plan Area. (Optional)." (MVCP DEIR, p. 8.0-4).

4.4 TRANSPORTATION/CIRCULATION

Alternately, under any of the Alternatives, the land uses allowed under each land use Alternative could be reduced to eliminate the need to widen roadways, particularly SR 267, Northstar Drive, and Schaffer Mill Road…Under the Proposed Land Use Diagram, the list of roadways which have volumes that exceed LOS standards are shown in **Table 4.4-26**, as well as the reduction in land uses needed to maintain LOS standards. The reduction in ADT (or PM peak-hour one-way trips in the Town of Truckee) that would be required to avoid the need to widen particular roadways to four lanes is also shown in the table. These tables are meant for programmatic planning purposes only. Please note that the location of any trip reductions have a relatively minor impact on whether the traffic volumes would be reduced to adequate levels. For SR 267, the reduction shown indicates the reduction needed in traffic generation for the overall Martis Valley area. For Northstar Drive, the reduction required refers to the total traffic generation of Northstar developments. Finally, the reduction needed for Schaffer Mill Road refers to the reduction needed in traffic generation associated with land uses that are proposed to gain access on Schaffer Mill Road (Lahontan, Siller Ranch, Eaglewood, and Hopkins Ranch). (MVCP DEIR, p. 4.4-58)

17. Information presented in different places and/or not provided

The DEIR fails to clearly present information for the public and decision-makers. In some cases, we cannot locate the information at all (e.g. a clear explanation of the sources of VMT assumptions for Lake Tahoe). In other cases, information paramount to assessing an impact is presented in chapters other than where it should be. Examples include:

- The Project's potential layout is not included in the Project Description (Chapter 2); rather, a conceptual layout is found in the scenic chapter (Exhibit 9-26).
- The transportation chapter does not address VMT impacts to the Lake Tahoe Basin; however, the GHG analysis in Appendix K includes estimated trips and VMT for the Basin (p. 9-10). This information should be presented and thoroughly assessed in the Transportation chapter, as well as other affected resource areas (e.g. air quality, water quality, and noise).
- As noted in comments on scenic impacts, the discussion of topography and slope is included in the soils and geology chapter, but not the scenic section.
- Information necessary to assess scenic impacts after vegetation has been thinned (e.g. the estimated number and size of trees to be removed) is found in Chapter 5, Forest and Land Use, but not mentioned in the visual assessment.

Several comments, including FOWS' two comment letters, were left out of "Table B-1 Comments Received on the Revised 2015 Notice of Preparation" (Appendix B, Part 1).[171] The letters were only posted *after* FOWS contacted Placer County staff regarding our missing comments.[172] However, through both the exclusion in the Table of NOP comments, and the clear failure of the DEIR to address FOWS's comments, it appears that Placer County did not consider FOWS's extensive comments on the NOP while preparing the DEIR. This is not only an unfortunate example of poor public process, but also leads to the failure of the DEIR to address numerous key issues. This is yet another example of why the DEIR needs to be revised and re-circulated (as noted throughout these comments).

Finally, as noted previously, documents associated with the scenic assessment have not been provided to the public, including the memorandum to Placer County regarding the selection of visual profiles and viewpoints, the modeling conducted by Square One, and other information documenting the original selection of these sites.

171 http://www.placer.ca.gov/~/media/cdr/ecs/eir/martisvalleywestparcel/deiroct2015/apdx_b_mvwpsp_nopcommentspart1a.pdf?la=en

172 Correspondence attached.

From: Stacy Wydra <SWydra@placer.ca.gov>
To: Jennifer Quashnick <jqtahoe@sbcglobal.net>; Michael Johnson <MJohnson@placer.ca.gov>
Cc: Susan Gearhart <susan@friendswestshore.org>
Sent: Friday, November 6, 2015 5:31 PM
Subject: RE: Document request and response inquiry

Hi Jennifer –
Thank you for your comments. The missing comment letters have been included on the website and we apologize for the error. You can find those letters in a sub-section under Appendix C on the County's website.

Appendix N is on the County website and can be found at this link:
http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/martisvalleywestparcel/draft%20eir

Please let me know if you have any additional questions.
Thanks!
Stacy

Stacy Wydra
****
Stacy Wydra
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(530) 581-6288 - direct

Please note: I am not in the office on Wednesdays.

Please consider the environment before printing this e-mail.

From: Jennifer Quashnick [mailto:jqtahoe@sbcglobal.net]
Sent: Thursday, November 05, 2015 11:34 AM
To: Stacy Wydra; Michael Johnson
Cc: Susan Gearhart
Subject: Document request and response inquiry

Hi Stacy,

I hope you are having a good week.

What is the status of addressing the questions FOWS has raised regarding the missing comments in the NOP package included in the DEIR? Have other comments been left out as well?

Also, can you please provide me with this document referenced in Appendix N (or a link to it if it's online):

Bauer, T. et al. 2013, Martis Valley Groundwater Management Plan, Brown and Caldwell & Balance Hydrologics Inc., April 2013.

Thank you,
~Jennifer